Wednesday, 25th August, 1954

LOK SABHA DEBATES

(Part I—Questions and Answers)

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SEVENTH SESSION

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LOK SABHA SECRETARIAT
NEW DELHI

LOK SABHA DEBATES

(Part I—Questions and Answers)

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LOK SABHA

Wednesday, 25th August, 1954

The Lok Sabha met at a Quarter Past Eight of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

ESTATE DUTY ACT

*85. **Shri D. C. Sharma:** Will the Minister of Finance be pleased to refer to the reply given to starred question No. 601 on the 2nd March, 1954 and state the latest position in respect of the following:

(a) the amount that has been collected so far under the Estate Duty Act, 1953;

(b) the administrative arrangements that have been made in connection with the enforcement of the Act;

(c) the number of cases that have so far been registered for assessment under the Act; and

(d) how many have been disposed of?

The Deputy Minister of Finance (Shri M. C. Shah): (a) An amount of Rs. 1,22,334/11/- has been collected upto the end of June, 1954 towards payment of estate duty.

(b) The Estate Duty Act is being administered through the officers of the Income-tax Department. Every Commissioner of Income-tax, every Inspecting Assistant Commissioner of Income-tax and every Income-tax Officer for the time being officiating as such has been respectively appointed as Controller, Deputy Controller and Assistant Controller of Estate Duty and given jurisdiction to assess estates falling within their monetary limits. Other administrative arrangements for the collection of information and enforcement of the provisions of the Act have been made.

(c) and (d). The total number of cases registered upto the end of June, 1954 of estates likely to be liable to estate duty is 1,359. Out of these, 130 have been disposed of.

Shri D. C. Sharma: May I know whether some officers of this Department, which is administering the Estate Duty Act, have been sent abroad for training, and if so, whether they have come back?

Shri M. C. Shah: Six officers were sent abroad to the United Kingdom for training, and they are due by the end of this month.

Shri D. C. Sharma: May I know how long on the average it takes for the Ministry to dispose of a case, and whether the disposal of cases can be expedited?

Shri M. C. Shah: Under the Act, six months are given for the filing of returns by the accountable persons. After that, inquiries are made, and from April 1954, we have taken up the matter. So, it is not possible to say the average time taken in these cases.

Shri Bansal: May I know the amount of collections in respect of these 130 cases that have been disposed of?

Shri M C. Shah: Six cases have been registered as liable to duty, out of these 130 cases

Shri Raghuramaiah: May I know whether it is proposed to send another batch of officers for training in the United Kingdom, and if so, how many, and when it is proposed to send them?

Shri M. C. Shah: It is not yet finally decided.

Mr. Speaker: Next question.

Shri D. C. Sharma: May I know whether for the administration of the Estate Duty Act.....

Mr. Speaker: Order, order. Next question.

UNEMPLOYMENT

*86. **Shri Gadilingana Gowd:** Will the Minister of **Education** be pleased to lay a statement on the Table of the House giving the following details (State-wise) with regard to the implementation of the scheme formulated by the Centre for combating unemployment among the educated:

(i) the number of schools that are to be started every year under the scheme;

(ii) the number of schools that have already been started under the scheme;

(iii) the sums spent on these schools by the Centre;

(iv) the number of single-teacher and local-board schools among them; and

(v) the number of teachers that have already been appointed?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (i) The scheme envisages the recruitment of 80,000 teachers in 2 years, beginning from 1953-54. These teachers may either be employed in new schools, in rural areas or in existing schools where additional teachers are necessary.

(ii) to (v). Necessary information as to the year 1953-54 is being collected from the State Governments and will be supplied later. Under (iii) Central Government's actual share can be calculated for the two years on the receipt of the information as to the actual amount spent by each State.

Shri Gadilingana Gowd: May I know whether the Central Government have power to compel the State Government to implement such schemes, if any State fails to do so?

Dr. M. M. Das: As such, we have no controlling authority over the States. But the States are expected to do their duty, when they have participated in these schemes.

Sardar A. S. Saigal: May I know whether all the States have taken advantage of this scheme to solve the problem of unemployment among the educated, and if not, the names of the States that have not taken advantage of it?

Dr. M. M. Das: About 20 States participated in this scheme of the Central Government last year. The hon. Member may kindly note that the scheme was launched on 2nd October 1953, and practically, the work began from the beginning of this year. Within the last few months, it was not possible for all the States to participate in this scheme. About 20 or 22 States have participated.

Shri Velayudhan: Are Government aware that single-teacher schools are not needed in advanced States like Travancore-Cochin, where there are more schools with more teachers?

Dr. M. M. Das: So far as I know, Travancore-Cochin did not participate in this scheme during the last financial year.

Shri Gadilingana Gowd: May I know whether the Andhra Government have submitted their report, and if so, how many schools they have opened?

Dr. M. M. Das: We have not yet received any report from the Andhra Government.

SANGEET NATAK AKADAMI

***87. Dr. Ram Subhag Singh:** Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that at the last meeting of its General Council, the Sangeet Natak Akadami decided to hold a seminar on Indian film industry; and

(b) if so, when that seminar will be held and what will be its duration?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Yes, Sir.

(b) The seminar is proposed to be held in February, 1955, for a week.

Dr. Ram Subhag Singh: May I know the number of persons who are going to be invited for this seminar, and what sorts of persons are going to be invited?

Dr. M. M. Das: The details of the seminar are being worked out now. For the information of the hon. Member, I may, however, say that the seminar will be held under the chairmanship of Mr. B. N. Sarkar of Calcutta, in New Delhi. The joint directors of the seminar are Mr. Prithvi Raj Kapoor, and Mrs. Devika Rani Roerich. Shri N. Kanungo, M.P., is the chairman of the steering committee.

Dr. Ram Subhag Singh: What are the subjects which are going to be discussed in that seminar?

Dr. M. M. Das: It has been decided that papers will be read on various aspects of the film industry, to be followed by discussions on these subjects. It will serve a useful purpose in bringing groups of industry together to discuss their views, their problems, their ideas, the future of the industry, and also the aesthetic, artistic and cultural aspects of films.

Shrimati Tarkeshwari Sinha: May I know whether any foreign countries have been invited to take part in this seminar?

Dr. M. M. Das: This particular seminar is being organised by the Sangeet Natak Akadami, which is an autonomous body. But so far as our knowledge goes, probably no foreign film companies or producers are being invited.

भूतपूर्व सैनिकों का प्रशिक्षण

***८८. श्री एम० एल० द्विवेदी :** क्या **रक्षा** मंत्री यह बताने की कृपा करेंगे कि :

(क) भूतपूर्व सैनिकों को औद्योगिक प्रशिक्षण देने के लिये श्रम मंत्रालय के अन्तर्गत कितने केन्द्र हैं और उन पर प्रति वर्ष कितना खर्च होता है ;

(ख) कितने भूतपूर्व सैनिकों को काम दिलाया गया है ; और

(ग) उनमें से कितने स्वयं अपने धंधे चला रहे हैं ?

The Deputy Minister of Defence (Sardar Majithia): (a) There are 56 Centres under the Ministry of Labour for imparting Vocational/Technical training to ex-servicemen as well as Civilians. The annual expenditure incurred on the Centres is approximately Rs. 57,88,212/-.

(b) Out of 241 ex-servicemen who received training during the yeers from 1950 to 1953 in the DGRE and State institutions, 172 have found employment in Government/Private Service.

(c) This information is not readily available.

श्री एम० एल० द्विवेदी : मैं यह जानना चाहता था कि जो भूतपूर्व सैनिक ट्रेनिंग पाकर बाहर निकलते हैं और जिनको काम पर नहीं लगाया जा पाता, क्या सरकार ऐसे लोगों को कोई आर्थिक सहायता भी देती हैं ?

Sardar Majithia: Not at present but the scheme is under the consideration of the Government.

श्री एम० एल० द्विवेदी : किन किन रियासतों में यह स्कीम चालू हो गई हैं और किन किन राज्यों में यह स्कीम अभी तक मंजूर नहीं हुई हैं ?

Sardar Majithia: As I said, there are 56 centres run by the Ministry of Labour and in addition to that, there are 78 other training centres run by the various States. So far as my knowledge goes, practically every State is running such centres.

Pandit Munishwar Datt Upadhyay: Is it a fact that all these centres are not proving attractive to the ex-servicemen?

Sardar Majithia: I should not say so, because between 1945 and 1950, 22,030 ex-servicemen were trained in this. It is only now, between 1950 and 1953, that the number has gone down and that too, naturally because the released personnel are getting old and they do not come under the category of those people who will get benefit out of this scheme.

Shri V. P. Nayar: May I know whether the scheme referred to by the hon. Minister is only for training of people who belonged to the Indian Army or whether such facilities are also extended to people who were disbanded after taking over by the Indian Army, I mean people who belonged to the State Armies?

Sardar Majithia: As I have already said, civilians also are getting training under this scheme. If they do not come under one category, they naturally come under the other.

Shri V. P. Nayar: He has not understood the question...

Mr. Speaker: Next question.

LITERATURE FOR NEO-LITERATES

***89. Shri S. N. Das:** Will the Minister of Education be pleased to state:

(a) whether Government maintain any contact with those writers who are given training in short practical course in producing materials for neo-literates in Literary Workshops organised by them in co-operation with the Ford Foundation;

(b) whether those trained so far have been able to produce any such literature; and

(c) if so, whether that has been found suitable?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) No.

(b) Yes.

(c) Some literature produced by one of the Workshops has already been published. Literature produced by other three Workshops will be scrutinised in due course to find out whether there is any material whose publication may be considered.

Shri S. N. Das: May I know whether there is any scheme, or it is proposed to have a scheme, of giving awards and prizes and other means of encouragement to these writers?

Dr. M. M. Das: At present there is no such scheme which I know.

Shri S. N. Das: May I know whether the Governments of the various States from where these trainees came, are taking steps in this direction?

Dr. M. M. Das: That question may be put to the State Governments; we have no information.

Dr. Ram Subhag Singh: In reply to part (a), the aPrliamentary Secretary said 'no'. May I know the purpose for which the workshops were opened and why no contact is maintained by the Government with them?

Dr. M. M. Das: The purpose of these workshops was to give training in the art of simple writing for neo-literates. It was not considered necessary to follow these trainees who received training there in their after-work.

Mr. Speaker: Question No 90—Mr. Amjad Ali.

Shri Amjad Ali: May I suggest that along with Question No. 90 Question No. 127 of Sardar Hukum Singh may also be put?

Mr. Speaker: Is the Minister agreeable?

Shri M. C. Shah: I will reply to both together.

Mr. Speaker: Yes.

REHABILITATION MINISTERS' CONFERENCE AND AGRICULTURE MINISTERS' CONFERENCE

*90. **Shri Amjad Ali:** Will the Minister of **Finance** be pleased to state:

(a) the additional expenditure incurred in holding the Rehabilitation Ministers' Conference and the Agriculture Ministers' Conference at Srinagar in June, 1954 instead of in Delhi; and

(b) the main tasks before the conferences?

The Deputy Minister of Finance (Shri M. C. Shah): (a) The additional expenditure on holding the Rehabilitation Ministers' Conference in Srinagar in June, 1954 instead of in Delhi aggregates to Rs. 13,786/- and that on the Agriculture Ministers' Conference comes to Rs. 20,000/- (approximately)

(b) The main tasks before the Rehabilitation Ministers' Conference were:—

To take stock of the present position with regard to all matters affecting the displaced persons from West Pakistan, *viz.*, relief and rehabilitation, payment of compensation and evacuee property and to discuss the various aspects of rehabilitation and its policies.

The main tasks of the Agriculture Ministers' Conference were to review the progress made since the last conference in respect of land reform policies, co-operation, the working of the Community Projects and the National Extension Service *vis-a-vis* the Agricultural Department and to consider other matters regarding the fertilizers, Central Farms Plant Protection and Soil Conservation, etc.

CONFERENCES AND MEETINGS HELD AT SRINAGAR

*127. **Sardar Hukam Singh:** Will the Minister of **Finance** be pleased to state:

(a) the number of Conferences or meetings of officials held in Srinagar during June and July, 1954, whose expenses had to be borne by the Central Government;

(b) the duration for which each conference or meeting was held in Srinagar; and

(c) the travelling allowance and other expenses borne by Government?

The Deputy Minister of Finance (Shri M. C. Shah): (a) Seven.

(b)

1.	Meeting of Rehabilitation Secretaries and Custodians of Evacuee Property.	2 days
2.	Conference of Rehabilitation Ministers.	2 days
3.	Conference for drawing up a programme for the assessment and development of mineral resources of the country.	2 days.
4.	Special meeting of the All India Handicrafts Board and Marketing Clinic.	1 day. 5 days.
5.	Meeting of the Committee set up by the Production and Distribution Committee of the Cabinet to advise on the establishment of Synthetic Oil Plant in India.	2 days.
6.	Conference of State Ministers of Agriculture Co-operation, Animal Husbandry etc.	4 days.
7.	Conference of some selected farmers.	2 days.

(c) So far as the Central Government is concerned—

Expenditure on Travelling Allowance	Other expenditure	Total
Rs.	Rs.	Rs.
46300/- (approximately)	10700/- (approximately)	57000/- (approximately)

The State Governments usually bear the expenditure on travelling allowances of their officials.

Shri Amjad Ali: As we understand, there were seven conferences of Ministers. May I know the particular end in view of holding these conferences away from Delhi and at Srinagar? The particulars may be referred to.

The Minister of Rehabilitation (Shri A. P. Jain): May I answer this question? I think it is a good policy that the conferences should be held all over India in rotation. In particular, in the case of Kashmir, we felt that rehabilitation there on account of political changes had not taken the footing that it should have. The holding of the Rehabilitation Ministers' Conference in Kashmir gave confidence to refugees and also enabled the State Government to round up many of their policies. Apart from that, incidentally, the exchequer —my friend, Mr. Deshmukh—has also benefited. For instance, I may have cost Government Rs. 200 on account of fare etc., but I took three members of my family with me for whom I paid Rs. 600, as railway fare, etc. Besides, we must have spent quite a lot in buying from the Kashmir Emporium.

Shri Amjad Ali: May I ask how all these seven Ministers' conferences synchronised at the same time, in the month of June, in the cool heights of Srinagar?

Shri A. P. Jain: The salubrious climate and the possibility of doing more work.

Shri K. K. Basu: To help proper thinking!

Sardar Hukam Singh: Are there any other places in the various States in India where such ministerial conferences have been held at other occasions.

Shri A. P. Jain: Yes, in Calcutta; and we propose to have another in Darjeeling.

Sardar Hukam Singh: Is there anything in common to all these meetings of Ministers and other officials which prompted these Ministries to take up that venue?

Shri A. P. Jain: One obviously is that Parliament was in session before, and after the session was over, a large number of conferences had naturally to synchronise. Moreover the considerations which I mentioned were the common considerations.

Sardar Hukam Singh: May I know whether any officials over-stayed the time of the committees and were allowed leave along with the time of those committees?

Shri A. P. Jain: Some may have.

Shri V. P. Nayar: I want to know whether it is the policy of the Government that in fixing venues for official conferences the expenditure on account of such conferences should be kept to the irreducible minimum extent possible or whether conferences can be fixed in order to give the participants an opportunity for sight-seeing and going about?

Shri A. P. Jain: No, the object is to keep the expenditure to the minimum.

HINDUSTAN AIRCRAFT LIMITED

***91. Shri H. N. Mukerjee: Will the Minister of Defence be pleased to state whether it is a fact that the Chief Production Engineer of the Hindustan Aircraft Limited has disallowed the further development of a piston for the Aero Engine designed and developed in the Hindustan Aircraft Limited and**

certified as fit for use by the Tata Institute of Science and if so for what reasons?

The Deputy Minister of Defence (Sardar Majithia): No, Sir, Hindustan Aircraft Limited have not so far designed an Aero-engine. The question of disallowance of the development of a piston, for such an engine, by the Chief Production Engineer of the Company, does not therefore, arise.

Shri V. P. Nayar: I heard the hon. Minister saying that the Hindustan Aircraft Limited had not developed any aero-engine. The question relates to the piston of an aero-engine.

Sardar Majithia: Naturally if the engine has not been designed, the question of the piston which is to go into that engine does not arise.

Shri V. P. Nayar: That is not the point. I want to know whether it is a fact that some technicians in the Hindustan Aircraft Limited developed a piston assembled with the connecting rods with gadgets, pins and rings.

Sardar Majithia: It is an autonomous body; they might have done it. But as I said, the question does not arise, for the simple reason that the aero-engine was not designed. Therefore, it does not follow how any parts which have to go in that particular engine which has not been designed even should also come in.

Shri V. P. Nayar: Am I to understand from the hon. Minister that any work in the development of a new part of an aero-engine can be done only after the development of a new aero-engine and parts could be fitted into that?

Mr. Speaker: I think he is going too much into details.

ARTIFICIAL RAIN

***92. Shri Raghavaiah:** Will the Minister of **Natural Resources and Scientific Research** be pleased to refer to the reply given to starred question No. 557 asked on the 2nd March, 1954 and state:

(a) whether the Indian Scientists referred to therein have since been sent to Australia for training in the technique of Artificial Stimulation of rain; and

(b) if so, the names of the Scientists who have been selected for this purpose?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) and (b). The two scientists to be sent for training in the Laboratory of the Commonwealth Scientific and Industrial Research Organisation, Australia have not yet been selected.

Shri Raghavaiah: May I know whether any experiments have been made in cloud-setting and artificial rain in any centre in India and, if so, what are the centres and who are the scientists working there and with what results?

Shri K. D. Malaviya: Some experiments have been made in the country in Calcutta and in the South. The results, according to those who carried out those experiments, are quite attractive and interesting but we are not yet able to assess the results of those experiments.

Shri Raghavaiah: May I know the names of the scientists?

Mr. Speaker: I think the hon. Member will find them in the publications of the Government of India which they periodically publish. He may refer to them.

BURMESE TRADE UNION DELEGATION

***93. Shri Punnoose:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that visas were refused to the Burmese Trade Union Delegation to attend the 24th Session of the All-India Trade Union Congress held in Calcutta on the 27th May, 1954; and

(b) if so, the reasons therefor?

The Deputy Minister of Home Affairs (Shri Datar): (a) Yes.

(b) It was decided that no visas should be issued to any foreigners to attend the conference. This rule was applied to all foreigners who applied for such visas.

Shri Punnoose: What was wrong in foreign delegations attending and taking part in the Conference?

The Minister of Home Affairs and States (Dr. Katju): It is a matter of policy which does not require much discussion. It is not desirable that when such domestic matters are being discussed by political parties in their meetings foreigners should be invited to contribute to the discussions.

Shri Punnoose: May I know whether it was a Conference of the All-India Trade Union Congress and not of a political party? I think the Home Minister has misunderstood the whole point.

Dr. Katju: My experience is that such gatherings and conferences generally tend to become political conferences.

Shri H. N. Mukerjee: In view of the fact that people of different political complexions come to this country from foreign countries, do we understand that it is the Government's policy to discriminate against only particular kind of political people who might come or might not come from foreign countries?

Dr. Katju: No discrimination of any kind is intended at all.

INCOME-TAX INVESTIGATION COMMISSION

*95. **Shrimati Tarkeshwari Sinha:** Will the Minister of **Finance** be pleased to state whether Government have taken any decision about the future of the Income-Tax Investigation Commission?

The Deputy Minister of Finance (Shri M. C. Shah): The present term of the Commission is upto 31st December, 1955. It is engaged in dealing with the cases referred to it under section 5(1) of the Act.

Shrimati Tarkeshwari Sinha: May I know if it is a fact that the Supreme Court has declared section 5(4) of the Income-tax Investigation Act as *ultra vires?*

Shri M. C. Shah: Yes, it is a fact.

Shrimati Tarkeshwari Sinha: May I know how many cases had already been investigated before the Supreme Court's declaration and how do they stand now?

Shri M. C. Shah: There were 369 cases referred to under section 5(4) out of which 224 were disposed of and 145 remained. They will not be disposed of now by the Investigation Commission under section 5(4). As hon. Members are already aware, the Government of India decided to amend section 34 of the Indian Income-tax Act and an Ordinance was passed. So, these cases will be taken up under that Ordinance under section 34(1) (a) of the Income-tax Act.

Shrimati Tarkeshwari Sinha: Do we understand that this decision of the Supreme Court had no retrospective effect?

Shri M. C. Shah: No; they decided that since the Constitution came into existence the Act was *ultra vires* so that all those cases which were disposed of by the Commission after the Constitution came into force, that is, the 26th January, 1950, will be taken up by the Income-tax Department under section 34(1) (a) of the Act.

Mr. Speaker: It is a question of the interpretation of the judgment and hon. Members will have opportunities to discuss it when the Bill comes before the House.

DEMOCRATISATION OF ADMINISTRATION IN CANTONMENTS

*96. **Shri Gidwani:** Will the Minister of **Defence** be pleased to state:

(a) whether any steps have been taken by Government to democratise the administration of civil areas in the Cantonments; and

(b) if so, what they are?

The Deputy Minister of Defence (Sardar Majithia): (a) Yes.

(b) It has been decided to delegate to Civil Area Committees certain powers, hitherto enjoyed by Cantonment Boards, with a view to democratising the administration of civil areas in Cantonments. These powers relate to the—

- (i) sanctioning of building plans in civil areas;
- (ii) imposition of punishment for breach of Building Byelaws;
- (iii) sanctioning of trade licences; and
- (iv) imposition of punishment for breach of any of the provisions regarding the grant of trade licences.

It has also been decided that—

- (i) funds collected from civil areas should as far as possible be spent for the benefit of the residents of those areas;
- (ii) Cantonment Boards should be advised that the majority of the members of Assessment Committees should be non-officials; and
- (iii) during the temporary absence (not exceeding 30 days) of the Officer Commanding the Station, who is the President of the Board, the Vice-President should preside at the meetings of the Cantonment Board.

The actual implementation of these decisions is in progress.

Shri Gidwani: Will the Government hold the election so that all the members may be elected?

Sardar Majithia: The elections are being held and all cantonments will complete the elections by the end of this year. But, as I said before, it is not possible to have the whole Board elected at the moment but we are considering that question. We have already supplemented some of the powers given to them and, as I have already stated in this House, the others will be implemented later in the light of the experience.

श्री भक्त दर्शन : मंत्री महोदय ने जो कहा हैं क्या इसका यह अर्थ हैं कि छावनी विधेयक में संशोधन नहीं किया जायगा जैसा कि वह पहले आश्वासन दे चुके हैं ?

Sardar Majithia: We have already implemented certain measures which have resulted in more powers being given to these elected bodies. Apart from this, the whole question is under consideration and, at the moment, I cannot go any further than that. But, I stick to the assurance that I gave on the floor of the House that in the light of the experience gained after these further powers have been delegated, I will certainly come forward with the Bill.

Shri Gadgil: A few months back the Government gave an assurance that it would bring in a comprehensive measure to democratize the constitution of the Cantonment Boards. When is that assurance going to be implemented?

Sardar Majithia: Sir I have already answered that question and I do not mind repeating it again. We have given certain more powers to these Committees and I would like to see how this works and, in the light of the experience gained, I will bring forward a comprehensive Bill.

BASIC EDUCATION

***97. Shri Jhulan Sinha:** Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that the scheme of Basic Education in India has been considerably handicapped for want of adequate arrangements for co-ordination and integration of post-Basic Education with Higher Secondary and University Education; and

(b) if so, the arrangements proposed for remedying this?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Yes, it is one of the handicaps.

(b) The matter concerns the State Governments which have been advised to take necessary steps for the purpose.

Shri Jhulan Sinha: May I know if the Government is alive to the urgency involved in the handicap due to the lack of co-ordination and integration of post-basic education with higher secondary and university education?

Mr. Speaker: He wants to know whether Government is alive to the urgency of the question.

Dr. M. M. Das: Government is fully conscious of the hardships of the students.

Shri S. N. Das: May I know whether any of the State Governments have taken any steps with regard to the directives or advice given by the Central Government?

Dr. M. M. Das: This question has become very prominent with the Bihar Government because the basic education has reached a somewhat advanced stage in that State. The Bihar Government has recently started a college at Turki to enable post-basic students to continue their further studies.

Shrimati Jayashri: May I know what arrangements have been made to train teachers for the Basic Education Scheme?

Dr. M. M. Das: That is a different question, but arrangements have been made for training teachers for the Basic Eduation Scheme.

Shri T. S. A. Chettiar: May I know how many universities have gone over to this post-basic education?

Dr. M. M. Das: So far as my information goes, a request was to be made to the universities to remove the disabilities of students who have passed from the post-basic schools. So far as the particular question is concerned, I have got no information at present.

Shri T. K. Chaudhuri: May I know if the Central Government Education Department have formulated any plans with regard to the co-ordination and integration of post-basic education with higher secondary education?

Dr. M. M. Das: This question came before the Rural Education Committee of the Central Advisory Board of Education met at Delhi in April 1953. The Committee sought to solve the problem in two ways: (a) negotiations should be conducted with the universities to explore the possibilities of removing the disabilities of students who pass from post-Basic Schools and (b) it endorsed the recommendation of the Planning Commission for the establishment of a Central Rural University.

STATES REORGANISATION COMMISSION

***98. Shri Krishnacharya Joshi:** (a) Will the Minister of **Home Affairs** be pleased to state whether the States Reorganisation Commission have submitted any interim report to Government; and

(b) if so, whether a copy of it will be laid on the Table of the House?

The Deputy Minister of Home Affairs (Shri Datar): (a) No, Sir.

(b) Does not arise.

Shri Krishnacharya Joshi: May I know whether Government are expecting an interim report in the near future?

Shri Datar: It is not for Government to expect, but it is entirely for the States Reorganisation Commission to submit an interim report if they so choose to do.

Shri Krishnacharya Joshi: May I know whether Government propose to ask the Commission to submit an interim report so as to know the progress of their work.

Shri Datar: No, Sir.

STRIKE IN NAVAL DOCKYARD

***99. Sardar A. S. Saigal:** Will the Minister of **Defence** be pleased to state:

(a) whether civilian employees of the Indian Naval Dockyard, Bombay went on strike on the 6th June, 1954;

(b) whether the strike is continuing; and

(c) if so, what are the points of dispute and the steps taken by Government to settle the matter?

The Deputy Minister of Defence (Shri Satish Chandra): (a) The hon. Member is presumably referring to the strike by the Yard Craft personnel of Naval Dockyard, Bombay in the month of June. The Yard Craft service is only a small part of the Dockyard.

(b) The strike was called off unconditionally on 11th June 1954.

(c) A statement is laid on the Table of the Lok Sabha. [*See* Appendix I, annexure No. 28]

सरदार ए० एस० सहगल : क्या मंत्री महोदय यह बतलायेंगे कि नैविल डॉकयार्ड के जो काम करने वाले हैं उनको अनुशासन में रखने के लिये क्या यह जरूरी नहीं हैं कि उनमें स्ट्राइक की भावना न आने पाये और वह ज्यादा न फैले ?

श्री सतीश चन्द्र : कोशिश तो इस बात की पूरी की जाती हैं ।

Mr. Speaker: Order, order.

Shri Joachim Alva: Are Government aware that right from the start of the last war till today there have been a series of strikes in the Naval Dockyard, and have Government got any effective proposals to bring a lasting settlement amongst the workers there?

Shri Satish Chandra: It has always been the desire of the Government to bring about a settlement and I think many of the points under dispute have been settled by now. There was a threat of a strike only a month back, but it did not materialise because the correct position was explained to the workers.

Shri Joachim Alva: During all the excellent arrangements made by the Minister for Defence Organisation for the naval cruise of the M.Ps. last October, the only place where the M.Ps. felt embarrassed was the Naval Dockyard where they were watched whilst talking to workers.

Mr. Speaker: Order, order. Next question.

ROYALTY TO MYSORE GOVERNMENT

***100. Th. Lakshman Singh Charak:** Will the Minister of **Natural Resources and Scientific Research** be pleased to refer to the reply given to starred question No. 2374 asked on the 11th May, 1954 and state whether Government have taken any decision to increase the Royalty paid to the Mysore Government by the Gold Mining concerns in Mysore and if so, what is it?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): No. Sir.

Th. Lakshman Singh Charak: May I know the reason for the delay in this decision?

Shri K. D. Malaviya: The matter is being considered. Certain information is being sought for from the Mysore Government and also from the Gold Mines concerned. Our Cost Accounts Officer has also been sent to check the accounts. As soon as all the papers have been received by us, Government will take a decision.

Th. Lakshman Singh Charak: How long will it take for the Government to come to a decision in the matter?

Shri K. D. Malaviya: As soon as possible.

INCOME-TAX INVESTIGATION COMMISSION

*101. **Pandit Munishwar Datt Upadhyay:** Will the Minister of Finance be pleased to state:

(a) the total number of tax evasion cases so far taken cognizance of by the Income-tax Investigation Commission;

(b) how many of them have been disposed of, the amounts involved and also the number of cases pending at present; and

(c) whether the amounts of disposed of cases have been realised?

The Deputy Minister of Finance (Shri M. C. Shah): (a) 1681, under both sections 5(1) and 5(4).

(b) (i) 1052 up to end of June 1954.

(ii) Tax involved is about Rs. 27 Crores.

(iii) 484 cases under section 5(1), the Commission being no longer competent to deal with section 5(4) cases.

(c) Rs. 10·56 Crores realised up to end of May 1954.

Pandit Munishwar Datt Upadhyay: May I know the amount involved in the cases affected by the Supreme Court decision and what was the amount realised out of that amount?

Shri M. C. Shah: I have not got the exact figures with me; but the amount involved is about Rs. 6 crores, out of which Rs. 3 crores approximately is the amount realised. The figures are given from memory and subject to correction.

Pandit Munishwar Datt Upadhyay: Was there any refund of the amount paid?

Shri M. C. Shah: There is no question of refund of that amount. As I have stated already, we have promulgated an ordinance and we have issued notices under the amended section 34 (1)(a) in 219 cases out of 369, and we will be issuing notices in the remaining cases also. I may inform the House that already many people have come forward again for settlement. About 31 persons have already come forward to settle their cases on this basis.

Pandit Munishwar Datt Upadhyay: May I know the amounts involved in the cases that are still pending before the Commission?

Shri M. C. Shah: I cannot say that.

Pandit Munishwar Datt Upadhyay: *rose—*

Mr. Speaker: I am calling the next question.

CENTRAL SOCIAL WELFARE BOARD

*102. **Shri V. Missir:** Will the Minister of Education be pleased to state:

(a) the number of women's centres directly financed by the Central Social Welfare Board; and

(b) the total amount allotted for this purpose?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) The Central Social Welfare Board has so far given grants to 284 voluntary organisations catering to the welfare of women in India.

(b) Rs. 9,09,400/-.

Shri S. C. Samanta: May I know whether Government have any record of the women's institutions in India and whether Government have approached them to do social welfare work?

Dr. M. M. Das: The Welfare Board has approached them in a general sense, but I do not know exactly how many organisations for the welfare of women there are in India and whether any census has been taken in the matter.

Shrimati Sushama Sen: On what basis are these grants made? Are they made on the basis of the recommendations of the State Governments?

Dr. M. M. Das: The Board has got its inspectors. These inspectors visit the organisations and collect information. One of the conditions to be fulfilled to qualify for the grant is that an amount equal to what is to be given by the Board has to be collected by the institutions from other sources. These are the conditions upon which these grants are determined.

Shrimati Maydeo: May I know which of the States has received the largest amount of funds?

Dr. M. M. Das: I have got a detailed statement showing the amount given to each State.

Shri U. M. Trivedi: What have the tours carried on by the officials cost the Government?

Dr. M. M. Das: The total amount that has been paid up-to-date is Rs. 26,85,800.

Some hon. Members: He wants to know the travelling allowance expenses.

Mr. Speaker: Order, order

हरिजनों को निःशुल्क शिक्षा

***१०३. श्री नवल प्रभाकर :** क्या शिक्षा मंत्री २ मार्च १९५३ को पूछे गये तारांकित प्रश्न संख्या ४२४ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे :

(क) क्या तब से दिल्ली विश्वविद्यालय में हरिजन छात्रों के लिये निःशुल्क शिक्षा की व्यवस्था करने के सम्बन्ध में कोई निर्णय किया गया है; और

(ख) यदि हां, तो क्या ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) and (b). It is expected that the decision will be taken very shortly, perhaps during the currency of the Session, when the information will be supplied to the Parliament.

Shri Thimmaiah: Are there any States in the country which are not giving free university education to Harijan students?

Dr. M. M. Das: With the exception of Assam, West Bengal, Madhya Pradesh and Delhi all other States of the Indian Union have given exemption of tuition fees to Harijan students in all stages of education, including university education.

Several Hon. Members *rose—*

Mr. Speaker: He says information is being collected; let it be collected.

NATIONAL CENTRAL LIBRARY, DELHI

***105. Shri S. C. Samanta:** Will the Minister of **Education** be pleased to refer to the reply to starred question No. 1914 asked on the 7th May, 1953 and state:

(a) whether the site for the National Central Library in Delhi has since been finally selected;

(b) if so, where;

(c) the estimated cost of construction of its building; and

(d) whether it is a fact that the Bibliography Section of the National Library at Calcutta would be transferred to this Library when the construction of the building is completed?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) The site has been selected provisionally.

(b) At the site now occupied by the King Edward Road Mess near the crossing of Kingsway and Queensway, New Delhi.

(c) Rs. 31 lakhs.

(d) There is no Bibliography Section in the National Library Calcutta; the proposal of its transfer, therefore, does not arise.

Shri S. C. Samanta: May I know whether bibliographical work on Indology and Anthropology is being conducted in Calcutta in individual sections?

Dr. M. M. Das: The National Library in Calcutta was asked to prepare bibliography upon those subjects. They have completed the work of compiling bibliography so far as Anthropology is concerned and they are at present compiling bibliography for Indology.

Shri S. C. Samanta: May I know whether these individual bibliography sections are to be transferred to the newly constructed library here?

Dr. M. M. Das: They cannot properly be called sections. But so far as the existing work is concerned, there is no proposal to shift the existing bibliographical work from the National Library to the Library in Delhi.

सेठ गोविन्द दास : इस भवन के निर्माण का काम कब तक शुरू होने की आशा हैं और कब तक वह समाप्त हो जायेगा ?

Dr. M. M. Das: Plans are at present being prepared by the architects. When they are finalised, the work will be taken up.

NAVAL EXERCISES

***106. Shri Bhagwat Jha Azad:** Will the Minister of **Defence** be pleased to state:

(a) whether the ships of the Indian Navy have left for any summer exercises this year;

(b) if so, how many ships are taking part and where; and

(c) what would be the duration of such exercises?

The Deputy Minister of Defence (Sardar Majithia): (a) Yes.

(b) Eight ships have gone to the Malayan and Far Eastern Waters.

(c) Eight Weeks.

Shri Bhagwat Jha Azad: May I know the strength of the officers who have been benefited by these naval exercises?

Sardar Majithia: I am afraid it will not be in the public interest to disclose the strength of these ships.

Shri Bhagwat Jha Azad: What was the approximate expenditure that was incurred on such exercises?

Sardar Majithia: No extra expenditure was incurred on these exercises, because the ships normally would have consumed fuel even if they had been in our own waters. The only extra expenditure that we can count is about Rs. 9,000 which was sanctioned for entertainment by these ships when they go out into foreign ports.

Shri Sadhan Gupta: May I know, Sir, whether these exercises are purely national exercises or whether they are held in conjunction with ships of foreign navies, and if so, what is the reason?

Sardar Majithia: The exercises, to begin with, are our own exercises. Later on they get more and more complicated and foreign navies do take part in them. The only reason for that is that we get more experience by having these exercises in conjuction with foreign navies.

SCHEDULED CASTES GRANT

***107. Shri Thimmaiah:** Will the Minister of **Home Affairs** be pleased to state:

(a) the amount actually spent so far for the uplift of Scheduled Castes in the Mysore State out of the amount allotted by the Government of India for this purpose; and

(b) whether any report regarding the work done has been received by Government?

The Deputy Minister of Home Affairs (Shri Datar): (a) and (b). The information is being collected and will be laid on the Table of the House in due course.

I may add for the information of the hon. Member that in the year 1953-54 grants amounting to Rs. 1,62,500 were given to the Government of Mysore. Information is being called in this respect.

Shri Thimmaiah: May I know the amount sanctioned for the year 1954-55?

Shri Datar: Rs. 2,55,000. Their schemes have been received and they are under examination.

Shri Thimmaiah: May I know whether the amount remaining unspent out of this year's sanction would lapse, or could be spent subsequently?

Shri Datar: If the amounts lapse, naturally they have to submit fresh schemes.

श्री गणपति राम : मैं जान सकता हूं कि यह जो रुपया हरिजनोत्थान के लिये दिया जाता हैं वह किन किन मदों में खर्च होता हैं और इस के लिये कोई टाइम लिमिट हैं कि इस पीरियड के अन्दर रिपोर्ट आ जानी चाहिये ?

Shri Datar: The amounts sanctioned have generally to be spent in the course of the same year. If, for example, there are schemes extending over two years, then what is given to them for that year has to be spent before the year is out.

FOREIGNERS IN JAMMU AND KASHMIR

*108. **Shri Buchhikotaiah:** Will the Minister of **Defence** be pleased to state:

(a) the number of foreigners who entered Jammu and Kashmir till the 31st July, 1954;

(b) how it compares with the number in the corresponding period of 1953;

(c) the number of Americans out of the total number of persons who went there till the 31st July, 1954; and

(d) the purposes of their visit?

The Minister of Defence Organisation (Shri Tyagi): (a) 1710.

(b) The number for the corresponding period of 1953 was 1721.

(c) 633.

(d) Tourism, holiday trip and sight seeing.

Shri Buchhikotaiah: May I know whether any Americans, suspected as spies, were sent back from Kashmir?

Shri Tyagi: I have no information about it—of any American being sent back.

Shri Sadhan Gupta: How many Americans entered Kashmir during the corresponding period of 1953?

Shri Tyagi: About Americans separately? I have no information in detail about the nationalities of foreigners who entered Kashmir in 1953.

BAHADURGARH -AIR-FIELD

*109. **Shri Bansal:** Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that large fertile areas of land have been taken over by Government for constructing the Bahadurgarh Air-field without giving proper compensation to the owners thereof; and

(b) if so, what action Government propose to take to redress the grievances of the land-owners?

The Deputy Minister of Defence (Sardar Majithia): (a) An area of 1136·7 acres of land was requisitioned for Bahadurgarh air-field in 1942 and annual recurring compensation at Rs. 11,480/3/6 was paid upto 1949 when an area of 889·90 acres was released to the owners. For the rest of the land, annual recurring compensation at Rs. 1,001/11/6 was paid upto 1951. The Deputy Commissioner concerned is taking action to arrange payment for the period thereafter.

(b) Does not arise in view of (a).

Shri Bansal: What use is being made of the area which is still under Government?

Sardar Majithia: We have got runways on that and no crops can be grown on it.

Shri Bansal: Is any use going to be made of this area; if not what is the objection in handing over this to the owners?

Sardar Majithia: That landing ground has to be maintained because it is one of the satelites of Palam and it is in the interest of efficient service to maintain them.

GRANTS TO SPORTS ORGANISATIONS

*110. **Shri K. K. Basu:** Will the Minister of **Education** be pleased to state:

(a) whether Government have any say in the working of the sports organisations to whom grants are made by Government;

(b) if so, in what way; and

(c) whether Government's permission is sought before a sports team is sent out to foreign countries by any organisation?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Not as far as the working of the organisations is concerned. But. Government ensures the correct expenditure of the grant which is given by it.

(b) Does not arise.

(c) Yes.

Shri K. K. Basu: May I know, when any contribution is made to a particular organisation either to send out a team or running a scheme, whether Government receive the report and the accounts in order to check them up?

Dr. M. M. Das: As I have said, the accounts are asked for from the organisation to which the grant is given and it is carefully examined whether that amount has been spent for the particular purpose for which it was given.

Shri K. K. Basu: In respect of organisations for which a grant is given by the Government, is the Government's check up restricted only to the amount of grant or does it cover the entire money that they spend in running the organisation?

Dr. M. M. Das: Before a specific request for a grant is considered, the organisation is required to submit firstly audited statements of account and details of income and expenditure for the three previous years. Secondly, a report of the activities for the three previous years is also called for. Thirdly, there are also utilisation certificates certifying that the amounts sanctioned have been utilised for the purpose for which they were earmarked.

Shri K. K. Basu: Have the Government received any complaint regarding the composition of the personnel of our team going to Manila for which Government has contributed quite a lot?

Dr. M. M. Das: Government has no administrative control over all these organisations which send Indian teams to foreign countries.

Shri Bhagwat Jha Azad: May I know if the Government are aware of the resentment in the different sports federations like National Rifle Association of India etc., that the Indian Olympic Association is arbitrarily misusing the money in sending teams outside the country?

Dr. M. M. Das: Government is not aware whether the Indian Olympic Association is misusing the money or not. But Government is fully conscious that there is resentment in some quarters about their activities.

मास्को विश्वविद्यालय का शिष्टमण्डल

*१११. **डा० सत्यवादी** : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि मास्को विश्वविद्यालय ने भारतीय विश्वविद्यालयों के एक

शिष्टमण्डल को रूस आने का निमंत्रण दिया है;

(ख) यदि हां, तो क्या सरकार ने यह निमंत्रण स्वीकार कर लिया है;

(ग) इस शिष्टमंडल में कितने छात्र होंगे और उन्हें किस आधार पर चुना जायगा; और

(घ) इन के दौरे पर कितना खर्च होने का अनुमान है?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Yes, Sir.

(b) Government have advised the Universities to accept the invitation.

(c) 26. The delegation from each invited University will consist of a professor and students drawn from post-graduate classes. The delegation is selected by each University concerned.

(d) Rs. 10,620/- approximately by Government of India.

Shri Punnoose: Is the invitation sent by Moscow University to the various universities or to the Ministry of Education and then the Ministry of Education circulated it to the universities?

Dr. M. M. Das: Some time in May 1954, Russian Embassy extended to the Universities of Lucknow, Delhi, Madras and Calcutta and the Meerut College an invitation on behalf of the Moscow University to send a party of students and teachers to the Soviet Union in June. As it was not possible to send any team at that time because the colleges and universities were closed, the Russian Embassy wrote directly to the Universities and the Meerut college extending a similar invitation for visiting the Soviet Union in September, 1954.

Shri G. P. Sinha: May I know whether the Government is contemplating to send a similar invitation to the Russian Universities?

Dr. M. M. Das: So far as the Government is concerned, I am not yet aware of any such scheme but I do not know what the scheme of the universities is.

ROYALTY OF MINES

*112. **Shri K. Subrahmanyam:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state whether it is a fact that a committee has been appointed to decide about the royalty of mines?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): Yes, Sir.

Shri K. Subrahmanyam: May I know when the Committee was appointed, what is its personnel and whether the Committee has submitted any report?

Shri K. D. Malaviya: The Advisory Board appointed an Expert Committee some time in August, 1953. This Committee consisted of Shri K. M. Kaul, Shri B. R. Khedkar, Shri B. Sivaraman, Shri Nageswara Prasad, Shri S. K. Barooah, Dr. Pichamuthu, Shri B. Sen and Shri E. R. Dempster. This Expert Committee broke itself into three committees further according to the groups of minerals on which they were asked to report. Two of them have submitted their report and they have been considered by the Board and the third has yet to submit its report. In the meantime, I might inform the House that this question has also been included in the terms of reference of the Taxation Enquiry Committee. Although we are not bound, it is at this time thought advisable to await the report of the Taxation Enquiry Committee.

Shri K. Subrahmanyam: What are the two Committees and the subjects which have submitted their reports?

Shri K. D. Malaviya: Committee A which has submitted its report was required to report on coal, iron ore, limestone, graphite; Committee B was required to report on manganese ore, mica and china clay and this Committee has not yet submitted its report. Committee C, which has submitted its report is concerned with copper, gold, zinc and kyanite.

Shri U. M. Trivedi: May I know if the word 'royalty' is included in tax and whether there is any law under which this tax is levied?

Shri K. D. Malaviya: I am not sure if royalty is in the nature of a tax but the question of revision of the rates of royalties which are to be imposed by the State Governments is under the administration of the Ministry of Natural Resources and Scientific Research.

Shri Amjad Ali: If it is possible for the Minister, I would suggest that Question No. 124 may be taken up along with this.

Shri K. D. Malaviya: I have no objection.

DEVELOPMENT OF MINERAL RESOURCES

*124. **Shri Amjad Ali:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) the names of States which were invited to attend and to send in their proposals for the development of mineral resources to the two-day conference of the Central and State Governments representatives held at Srinagar in June, 1954;

(b) the States which attended or which sent their proposals to the conference regarding exploitation and detailed prospecting of mineral resources of the country: and

(c) the names of the States which were favourable for detailed prospecting of (i) Gold (ii) Tin (iii) Sillimanite (iv) Lead (v) Zinc and (vi) Silver?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) to (c). A statement giving the information is laid on the Table of the House. [See AAppendix I, annexure No. 29.]

Shri Amjad Ali: From the statement given in Part (a), I find that Assam was not invited. As a matter of fact Vindhya Pradesh and Assam were suitable for detailed prospecting in Sillimanite. May I know why Assam was not invited?

Shri K. D. Malaviya: The hon. Member is not correctly informed. The States that were invited to Kashmir were those that existed within the northern part of the country. The whole conference was broken into two parts and the southern States were invited to Bangalore. That was held after a week or so after the Srinagar Conference. Assam was invited to the Bangalore Conference.

EXCISE DUTY ON *Bidis* (TOBACCO)

*113. **Shri Balwant Sinha Mehta:** Will the Minister of **Finance** be pleased to state how much revenue is expected to be realised in the current year from the excise duty imposed on machine-made *bidis* (tobacco)?

The Deputy Minister of Finance (Shri A. C. Guha): The revenue expected to be realised from the excise duty on machine-made *biris* is negligible.

Shri Balwant Sinha Mehta: In view of the acute problem of unemployment in the country, may I know the purpose behind, in the granting of such licences to make *biris* by machines?

Shri A. C. Guha: Government are taking action to stop the introduction of this machine in this industry and I do not think that there is any machine working now.

Shri Balwant Sinha Mehta: May I know the number of machines working now?

Shri A. C. Guha: I have already stated that I do not think that there is any machine working. Only one machine produced about 2,70,000 *biris* and it has stopped working even before the promulgation of the ordinance. There is no other machine that was producing *biris*; in all two or three machines were on demonstration.

I.A.F. DAKOTA CRASH

***114. Shri M. L. Agrawal:** Will the Minister of **Defence** be pleased to state:

(a) whether the I.A.F. authorities have completed the enquiry into the causes of the air crash of the Delhi bound Dakota of the Carrier Service of the Indian Air Force two miles from Chakeri aerodrome on the night of the 3rd June, 1954; and

(b) if so, what were the losses sustained as a result of the air crash?

The Deputy Minister of Defence (Sardar Majithia): (a) and (b). The Court of Inquiry proceedings have not yet been finalised and hence it is not possible to furnish the information asked for by the hon. Member. Details of the losses sustained as a result of the air crash will however be placed on the Table of the House as early as possible after receipt of the finalised proceedings.

Shri M. L. Agrawal: When is the enquiry expected to be finalised?

Sardar Majithia: Very shortly.

Short Notice Question and Answer

AWARDS ISSUED ON INDEPENDENCE DAY

S.N.Q.4. Dr. Lanka Sundaram: Will the **Prime Minister** be pleased to state:

(a) what is the significance of the awards issued on the Independence Day recently and whether they have any relation to titles:

(b) whether the attention of Government has been drawn to the news item of P.T.I. equating these Awards with the old order of titles: and

(c) if so, whether such a comparison is correct?

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): (a) The institution of the Order of the 'Bharat Ratna' and the 'Padma Vibhushan' Order was announced on behalf of the President early this year. Some awards of 'Padma Vibhushan' were given by the President some months ago. On Independence Day further awards were announced, both for the Order of 'Bharat Ratna' and 'Padma Vibhushan' Order. They have no relation to titles and are merely honours conferred for distinguished service of a high order.

(b) and (c). Yes. Any comparison of these with old orders and titles is not correct.

Dr. Lanka Sundaram: Is the Prime Minister aware of newspaper reports which stated that certain recipients have declined to receive these honours: and can he indicate to the House the total number of such persons who have declined to accept them?

Shri Jawaharlal Nehru: So far as I know, one lady.

Dr. Lanka Sundaram: Will the Prime Minister consider the desirability of adopting a suitable procedure whereby the risk of intended recipients declining to accept them and thus causing embarrassment to the President who confers them, is avoided?

Shri Jawaharlal Nehru: This matter can certainly be considered. The only procedure apparently is to approach them previously and find out. That also does not appear to be very desirable in the sense that a great deal of publicity naturally will be given in this way. Anyhow the matter will be considered.

Dr. Lanka Sundaram: Is it a fact that at a recent function where the Prime Minister was present, the award 'Bharat Ratna' was prefixed to the name of a distinguished personage mentioned in a formal address, and will he take steps to advise the country that these honours should neither be prefixed nor added to the names of the recipients in official documents, formal addresses, newspaper reports, etc.?

Shri Jawaharlal Nehru: The hon. Member must know that there is hardly a country in the world which loves non-official titles so much as this country. There are all kinds of popular titles given to people.

Shri M. S. Gurupadaswamy: May I draw the attention of the Prime Minister to an article in the *Harijan* this week, and may I ask him whether these awards will foster the spirit of casteism in Indian society which the Prime Minister is very anxious to put down?

Mr. Speaker: Order, order.

Shri Jawaharlal Nehru: It has absolutely nothing to do with it. The writer has mistaken the problem completely.

Shri Punnoose: Has it come to the notice of the Prime Minister that the arrangement of this 'Padma Vibhushan' into first class, second class and third class looks rather unimpressive?

Mr. Speaker: I think I will go to the next item of business.

WRITTEN ANSWERS TO QUESTIONS

GRANT TO NON-GOVERNMENT SCHOOLS OF TRIPURA

***104. Shri Biren Dutt:** Will the Minister of **Education** be pleased to state:

(a) whether any capital grant has been made for the non-Government schools of Tripura; and

(b) if so, what is the principle followed in this respect?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) No, Sir.

(b) Does not arise. I may however mention that the principles adopted in West Bengal are followed in Tripura. A copy of instructions issued in this respect by the Director of Public Instruction, West Bengal, is laid on the Table of the House. [*See* Appendix I, annexure No. 30].

SCHOLARSHIPS FOR RESEARCH STUDIES

***115. Shri Veeraswamy:** Will the Minister of **Education** be pleased to state:

(a) the subjects for which Research Scholarships in Humanities were given in 1953-54; and

(b) the number of Scheduled Caste students who were awarded such scholarships during this period?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) A statement is laid on the Table of the House. [*See* Appendix I, annexure No. 31].

(b) Information is being collected.

REPATRIATION OF CAPITAL

***116. Shri Jethalal Joshi:** Will the Minister of **Finance** be pleased to state:

(a) whether Government propose to give facilities to the Indian nationals in Ceylon for repatriation of their capital to India; and

(b) if so, to what extent?

The Deputy Minister of Finance (Shri M. C. Shah): (a) There are no restrictions on the repatriation of capital to India belonging to Indians residing abroad.

(b) The question does not arise.

OUTBREAK OF FIRE IN ENGINEERS' SUB-PARK

***117. Shri Ram Dass:** Will the Minister of **Defence** be pleased to state:

(a) the cause of the huge fire that broke out on the 27th May, 1954 in the Engineers' sub-Park in Jullundur Cantonment;

(b) the number of Military fire fighting engines in that Cantonment; and

(c) the loss suffered by the Military Stores Department as a result of this fire?

The Deputy Minister of Defence (Sardar Majithia): (a) "Spontaneous combustion" of coir matting.

(b) Six.

(c) The report of the Court of Inquiry is not yet with the Ministry and therefore the exact amount of loss cannot be given, at the moment.

MANUFACTURE OF TANKS

***118. { Shri Sadhan Gupta:**
Shri G. P. Sinha:

Will the Minister of **Defence** be pleased to state:

(a) whether any joint venture is contemplated with the German firm of Daimler-Benz for the manufacture of tanks;

(b) if so, what will be the nature of participation of the German firm in the venture; and

(c) the proportion of capital that will be invested by it?

The Minister of Defence Organisation (Shri Tyagi): (a) to (c). The aim of the Government of India is to be self-sufficient in the matter of essential military stores. With this in view, there is a constant examination of the requirements of the Defence Services to see how far essential equipment could be manufactured in India. As a part of this examination, Government of India have been considering the manufacture of armoured fighting vehicles. Offers from certain firms have been received and these are being considered. It will not be in the public interest to disclose the names of the firms, the details of the proposal or the progress that the examination of the project has made.

GRANTS-IN-AID TO SCHOOLS IN MANIPUR

***119. Shri Rishang Keishing:** Will the Minister of **Education** be pleased to refer to unstarred question No. 604 answered on the 16th September, 1953 and state the number of schools and teachers to be affected by the enforcement of the rule that Headmasters and permanent teachers in Manipur should not become involved in party policies, failing which grants-in-aid to the concerned schools would be withdrawn?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): This will depend upon the number of institutions whose teachers may take part in politics. The circular referred to does not affect teachers.

AID TO SOCIAL WELFARE ORGANISATIONS

***120. Shri D. C. Sharma:** Will the Minister of **Education** be pleased to state:

(a) the total amount of aid given so far on behalf of the Central Social Welfare Board to different organisations in the Punjab State;

(b) the number of such organisations; and

(c) whether there were any such organisations whose applications were rejected?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Rs. 51,000/-

(b) 21.

(c) Yes, the number of such applications is 12.

CUSTOMS AND EXCISE REVENUE

***121. Dr. Ram Subhag Singh:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that the gross total of the Union Customs and Excise revenue realized during the year 1953-54 has declined as compared to that of the preceding year;

(b) if so, by what amount; and

(c) what are the reasons therefor?

The Deputy Minister of Finance (Shri A. C. Guha): (a) There was a decline in the Customs Revenues but not under Excise.

(b) The net decrease was by Rs. 5·6 crores.

(c) This was largely due to the abolition of the export duty on medium cloth and the reduction of the export duty on other varieties of cotton cloth and also due to the reduction or abolition of the export duty on jute manufactures.

भूतपूर्व सैनिकों का पुनर्वास

***१२२. श्री एम० एल० द्विवेदी :** क्या **रक्षा** मंत्री यह बताने की कृपा करेंगे कि :

(क) भूतपूर्व सैनिकों को फिर से बसाने के सम्बन्ध में राज्यों को अनुदान देने के लिये अलग रखी गई राशि में से उत्तर प्रदेश को कितनी राशि दी गई है और राज्य सरकार ने यह राशि कैसे खर्च की है;

(ख) कितने भूतपूर्व सैनिक फिर से बसाए गए हैं और उन्हें किस किस काम पर लगाया गया है; और

(ग) कितने भूतपूर्व सैनिक अभी तक नहीं बसाए गए हैं और सरकार उन्हें फिर से बसाने के लिए क्या ढंग अपनाएगी ?

The Deputy Minister of Defence (Sardar Majithia): (a) Rs. 1,64,250/-. The amount was spent by the U.P. Government for the development of the Land Colonies.

(b) 4462. They have been resettled as under:—

(i) Settlement on land;

(ii) Employment in Govt./ Private Service.

(iii) Vocational and Technical Training.

(c) About 4600. They will be resettled in Govt./ Private Service, Land Colonies and Vocational and Technical Trades.

FOREIGN MISSIONARIES

***123. Shri S. N. Das:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government have recently issued a directive to the various State Governments regarding rechecking of figures about influx of foreign missionaries in India during the recent years; and

(b) if so, whether any reports in this regard have been received?

The Minister of Home Affairs and States (Dr. Katju): (a) No directive as such has been issued. The State Governments have, however, been requested to furnish nominal rolls of foreign missionaries resident in India on the 31st March 1954, which will also make it possible to check the figures already available with Government.

(b) Replies from some State Governments have been received.

ASSOCIATION OF PRINCIPALS OF TECHNICAL INSTITUTIONS

*125. **Shri A. K. Gopalan:**
Shri Punnoose:

Will the Minister of **Education** be pleased to state:

(a) whether Government have received the recommendations of the 13th Annual Conference of the Association of Principals of Technical Institutions;

(b) if so, what are the main recommendations;

(c) whether Government have accepted the recommendations; and

(d) if so, what steps are being taken to implement them?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Yes.

(b) The only recommendation with which Government is concerned is that the Technical Institutions may be exempted from the application of provisions of the Factory Act and the Payment of Wages Act.

(c) and (d). The matter is under consideration.

LEGISLATION FOR RE-ORGANISING UNIVERSITIES

*126. **Shri H. N. Mukerjee:**
Shri Radha Raman:
Shri Dabhi:
Shri Krishnacharya Joshi:

Will the Minister of **Education** be pleased to state:

(a) whether Government have considered the report of the University Survey Committee;

(b) what steps are being taken to implement its recommendations; and

(c) when Government propose to bring a comprehensive legislation for reorganising universities?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) and (b). The matter is under consideration.

(c) As far as Central Universities are concerned re-organisation on the lines suggested by the University Education Commission Report has already taken place. Other Universities are the concern of the State Governments.

NATIONAL PLAN LOAN

*128. **Shri Jhulan Sinha:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that the National Plan Loan is intended for implementation of the First Five Year Plan throughout the country and that the States are not to float loans for their own developmental expenditure: and

(b) if so, on what basis the proceeds of the loan will be allocated by the Centre to the various States?

The Deputy Minister of Finance (Shri M. C. Shah): (a) The National Plan Loan is intended to meet the development requirements both of the Central and of the State Governments. State Governments, which would otherwise have gone to the market this year for their own loans, have therefore refrained from doing so.

(b) The State Governments have been promised an allocation out of the National Plan Loan equal to the amount which they would have otherwise been able to raise in the open market this year.

KHOWI HIGH SCHOOL

*129. **Shri Biren Dutt:** Will the Minister of **Education** be pleased to state:

(a) whether the girls section of the Khowi High School has been closed by the order of the Chief of Tripura;

(b) whether it is a fact that the girls' middle school has not been raised to the High School standard;

(c) whether a great number of girl students have been thrown out of the school by this action; and

(d) if so, what step Government propose to take so as to enable the girl students of Khowi to prosecute their studies?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) No. Sir.

(b) Yes. Sir.

(c) No, Sir.

(d) Does not arise.

NORTH EAST FRONTIER AGENCY SERVICE

*130. **Th. Lakshman Singh Charak:** Will the Minister of **Defence** be pleased to state:

(a) the number of officers from various wings of the Defence Forces who have recently applied for appointment in the North East Frontier Agency Service and the number selected for appointment;

(b) whether it is a fact that amongst the applicants from the Armed Forces, majority was that of the regular officers; and

(c) the reasons why such a large number of officers from the services want a change in employment?

The Deputy Minister of Defence (Sardar Majithia): (a) 1295. (15 were selected).

(b) The number of Regular and Non-Regular Officers was approximately equal, (*viz.*, 697 and 598).

(c) The main reasons, which appear to have impelled Regular Officers, were the blocks in promotion occasioned by large-scale recruitment of officers of similar ages during the war, the possiblity of a longer tenure of service in the civil, preference for a settled life and, above all, the lure of a different and interesting type of work in unfrequented regions. Non-Regular Officers were attracted by the prospects of a permanent career.

गोरखा रिज़र्व का निर्माण

*१३१. { श्री भागवत झा आजाद:
श्रीमती तारकेश्वरी सिन्हा :

क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि गोरखा रिज़र्व बनाने की योजना की विशेष रूपरेखा क्या है ?

The Deputy Minister of Defence (Sardar Majithia): The Scheme is still under consideration; and its special features will be laid on the Table of the House, when finalised.

GRANTS TO WEST BENGAL

***132. Shri K. K. Basu:** Will the Minister of **Finance** be pleased to state:

(a) the total amount of money given to West Bengal either as loan or as grant in the years 1950 to 1954 for all items on which Central assistance is given;

(b) whether the West Bengal Government have asked for more money for rehabilitation of displaced persons and also for the local development projects during this period; and

(c) if so, whether such sums have been granted?

The Deputy Minister of Finance (Shri M. C. Shah): (a) A statement giving the necessary information is laid on the Table. [*See* Appendix I, annexure No. 32]

(b) and (c). The State Government did not ask for any additional assistance from the Centre for rehabilitation of displaced persons during 1950 to 1954. In respect of Local Development Works, however, they asked for additional funds on two occasions. In view of the fact that the amounts already sanctioned by the Centre had not been fully utilised, they were informed that requests for enhancement would be considered if the expenditure on local development works sanctioned in the State exceeds the amount allotted to the State in the current year.

JANTAR MANTAR OBSERVATORY

***133. Shri Balwant Sinha Mehta:** Will the Minister of **Education** be pleased to state whether it is a fact that the Jantar Mantar Observatory in New Delhi is being taken over by the Archaeological Department of India?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): Yes.

NEW SERVICE CADRES

***134. Shri M. L. Agrawal:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether the schemes of the 'Statistical and Economic Advisory Service' and the 'Industrial Management Service' have been finalised; and

(b) if so, what are their details?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). No final decision has yet been taken about the constitution of the two services referred to. The matters are still under consideration.

INCOME-TAX EVASION

***135. Shri D. C. Sharma:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that some cases of Income Tax evasion, involving substantial amounts, have recently been detected in the Punjab State; and

(b) if so, what is the amount involved in those cases?

The Deputy Minister of Finance (Shri M. C. Shah): (a) Yes Sir.

(b) Rs. 40 lakhs approximately.

HOARDED WEALTH

*136. **Shri S. N. Das:** Will the Minister of **Finance** be pleased to state:

(a) whether any steps have been taken by Government to assess the hoarded wealth in the country in the form of gold and jewellery; and

(b) if not, whether Government contemplate taking steps in the direction of mobilising such wealth for the purpose of utilising the idle money for implementation of the Plan?

The Deputy Minister of Finance (Shri M. C. Shah): (a) No, Sir.

(b) No, Sir, as no practicable method is available for such a mobilization. Government have provided facilities for the conversion of gold and jewellery into cash for investment in the National Plan Loan, the proceeds of which will be utilised for the implementation of the Plan. But this is an individual convenience.

GEO-PHYSICAL SURVEY OF ANDHRA

*137. **Dr. Ram Subhag Singh:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether it is a fact that the Andhra Government have requested the Government of India for a proper geo-physical survey of that State; and

(b) if so, what actions have been taken by Government in that regard?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) and (b). No specific request for geophysical survey has been received from the Andhra Government. A statement is laid on the Table of the House showing the geophysical surveys carried out during 1949-50 to 1953-54 and the work proposed to be undertaken in Andhra during 1954-55 field season commencing 1st November 1954. [*See* Appendix I, annexure No. 33]

अमरीका से मिले सामान का उपयोग

*१३८. **श्री एम० एल० द्विवेदी :** क्या **प्राकृतिक संसाधन तथा वैज्ञानिक गवेषणा मंत्री** यह बताने की कृपा करेंगे कि :

(क) भारत तथा अमरीका की सरकारों के बीच विभिन्न वैज्ञानिक प्रयोगशालाओं में उपयोगी सामान आदि के प्रयोग के सम्बन्ध में २९ अप्रैल, १९५४ को जिस करार पर हस्ताक्षर किए गये थे, उसके सम्बन्ध में अब तक क्या प्रगति हुई है;

(ख) इस काम के लिए अमरीका से अब तक कितना धन तथा सामान मिला है और शेष कब तक आने की आशा है;

(ग) वे कौन से विशेष काम हैं जो पहले नहीं किए जा सकते थे परन्तु अब इस सामान के आने से होने लगेंगे; और

(घ) अमरीका से जो सहायता इस सम्बन्ध में मिल रही है, उसकी क्या शर्तें हैं ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) to (c). A statement giving the information required is laid on the Table of the House. [*See* Appendix I, annexure No. 34]

(d) No special conditions have been attached.

IMPORT DUTY ON ROUGH PRECIOUS STONES

*139. **Shri Balwant Sinha Mehta:** Will the Minister of **Finance** be pleased to refer to the reply to a supplementary question raised on starred question No. 2387 asked on the 11th May, 1954 and state what are the recommendations made by the officer who was deputed to Jaipur to make enquiries on the spot about the implications of import duty on rough precious stones?

The Deputy Minister of Finance (Shri A. C. Guha): The official team which visited Jaipur recommended a reduction of the import duty on rubies, emeralds and sapphires unset and imported uncut from 20 per cent. to 5 per cent. *ad valorem.* Government have accepted the recommendation and a notification to this effect under section 23 of the Sea Customs Act has been issued on the 23rd August 1954.

WIND-POWER SUB-COMMITTEE

***140. Shri M. L. Agrawal:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether any experiments have been conducted by the wind-power sub-committee of the Council of Scientific and Industrial Research;

(b) if so, the scope and purpose of such experiments; and

(c) the purpose for which the wind-power can be harnessed?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Yes, Sir.

(b) To evolve an efficient wind-mill unit made from indigenous materials suitable for Indian conditions.

(c) To lift water for irrigation and domestic purposes and to generate electricity in area where wind velocities are favourable.

HINDUSTAN AIRCRAFT LIMITED

44. Shri V. P. Nayar: Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that the Test beds used in the Hindustan Aircraft Limited are not in conformity with the standards prescribed by the manufacturers in the "Technical Orders"; and

(b) what, if any, is the number of accidents in these Test beds from 1st January, 1950 to 1st July, 1954?

The Deputy Minister of Defence (Sardar Majithia): (a) No.

(b) No accident involving injury to persons or damage to property has occurred in Hal's Engine Test House during this period.

HINDUSTAN AIRCRAFT LIMITED

45. Shri V. P. Nayar: Will the Minister of **Defence** be pleased to state:

(a) the actual total cost of a Railway coach—407 made at Hindustan Aircraft Ltd.;

(b) the amount paid for the underframes received by Hindustan Aircraft Ltd.;

(c) whether the Hindustan Aircraft Ltd. is making battery units for the coaches made there; and

(d) if not, the amount per coach spent in purchasing battery from private agencies?

The Deputy Minister of Defence (Sardar Majithia): (a) Rs. 92,885 per coach (excluding under frames).

(b) The underframes are supplied to Hindustan Aircraft Ltd., by the Ministry of Railways (Railway Board) free of cost.

(c) the battery cells are not made by Hindustan Aircraft Ltd.

(d) The total number of battery cells used in a coach is 24 and their cost is Rs. 6,758.

HINDUSTAN AIRCRAFT LIMITED

46. Shri V. P. Nayar: Will the Minister of **Defence** be pleased to state:

(a) the total value of buildings constructed in the Hindustan Aircraft Ltd., from March 1950 to the 1st July, 1954; and

(b) whether Government propose to lay on the Table of the House a statement giving the following details of building contracts given by the Hindustan Aircraft Ltd. each worth over Rs. 50,000 during the above period:

(i) description of the work;

(ii) names of the contractors;

(iii) duration of work specified **under the contract;**

(iv) original estimate of cost of building under contract:

(v) the total payment made;

(vi) if the amount of (v) was more than the original amount fixed under the contract, what were the reasons for enhancement?

The Deputy Minister of Defence (Sardar Majithia): (a) The total value of buildings constructed in Hindustan Aircraft Ltd., during the period March, 1950 to 1st July 1954 is Rs. 58,00,000 approximately.

(b) As HAL is a private limited company, Government do not keep information relating to the day to day administration of the concern.

HINDUSTAN AIRCRAFT LIMITED

47. **Shri V. P. Nayar:** Will the Minister of **Defence** be pleased to state:

(a) **whether it is a fact** that there are cracks in the roofs and walls of the buildings housing the Tool Room, Radio Department and Engineering Section of the Hindustan Aircraft Limited; and

(b) when these buildings were completed and occupied?

The Deputy Minister of Defence (Sardar Majithia): (a) and (b). As HAL is a private limited company, Government do not keep detailed information relating to the day to day administration of the concern.

मध्य प्रदेश में समाज शिक्षा केन्द्र

४८. **श्री मगन लाल बागड़ी :** क्या शिक्षा मंत्री यह बतानें की कृपा करेंगे कि मध्य प्रदेश में समाज शिक्षा के कितने केन्द्र हैं और कहां कहां पर हैं ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): The matter concerns the Government of Madhya Pradesh

EDUCATIONAL EXPANSION SCHEME

50. **Shri Anirudha Sinha:** Will the Minister of **Education** be pleased to state the number of social education workers employed by the State Governments upto the 31st July, 1954 under the educational expansion scheme for relieving educated unemployment?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): The information has been called for upto 31st March 1954 from the States concerned and will be supplied later.

SURVEY OF INDIA DEPARTMENT

51. **Shri Ram Dass:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether it is a fact that the Department of Survey of India has been recently expanded to implement the Five Year Plan; and

(b) if so, in what manner the expansion has taken place?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) and (b). A statement giving the information required is laid on the Table of the House. [*See* Appendix I, annexure No. 3]

ENTERTAINMENT TAX

52. { **Shri A. K. Gopalan:**
Shri V. P. Nayar:

Will the Minister of **Finance** be pleased to state the rate of Entertainment Tax on Circus Shows in centrally administered areas?

The Deputy Minister of Finance (Shri M. C. Shah): The rates of entertainment tax on circus shows in Part C States and Part D territory are shown in the attached statement. [*See* Appendix I, annexure No. 36.]

SECONDARY EDUCATION COMMISSION

53. { **Shri S. N. Das:**
Shri Krishnacharya Joshi:

Will the Minister of **Education** be pleased to state:

(a) the steps, if any, taken by the Central Government to give effect to the recommendations of the Secondary Education Commission;

(b) whether it is a fact that the Planning Commission have approved of a new scheme of educational development involving an expenditure of Rs. 5 crores in the remaining two years of the First Five Year Plan; and

(c) if so, what are the important features of this scheme?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) The recommendations made by the Secondary Education Commission for the reconstruction of Secondary Education in the country were considered by a Committee of the Central Advisory Board of Education whose report was placed before the Board at their 21st meeting held in February, 1954. The report which was adopted by the Board was accepted by the Government of India who have since formulated a detailed scheme for giving effect to the various recommendations made in the Commission's Report.

(b) Yes. but the actual amount has not been specified as it would depend on the response of the States.

(c) The main features of this scheme are:—

(1) Establishment of multi-purpose schools.

(2) Improvement of teaching in existing schools.

(3) Improvement of school libraries.

(4) Introduction of craft in middle **schools.**

(5) Training of teachers.

बाल अपराधी गृह

५४. सेठ गोविन्द दास : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि भारत के भिन्न भिन्न राज्यों में कितने बाल अपराधी गृह हैं और किन राज्यों में ऐसी संस्थाएं नहीं हैं ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): The information is being collected from the State Governments and will be placed on the Table of the House

I.A.F. DAKOTA CRASH

55. **Shri S. N. Das:**
Sardar Hukam Singh:
Sardar A. S. Saigal:
Pandit Munishwar Datt Upadhyay:
Shri G. P. Sinha:

will the Minister of **Defence** be pleased to state:

(a) the circumstances in which an I.A.F. Dakota crashed near Barrackpore (Calcutta) in the early hours of 23rd June, 1954:

(b) whether any inquiry was held into the accident; and

(c) if so, what are its findings?

The Deputy Minister of Defence (Sardar Majithia): (a) to (c). The aircraft crashed at 7-5 A.M. on 23rd June, 1954 when it was on a training cross-country flight. A Court of Inquiry was ordered on the same date to investigate into and report on the cause of the accident and to assess the cost of damage to Service and Civilian property, if any. The proceedings of the Court of Inquiry have not yet been finalised.

ARTIFICIAL LIMB CENTRE, POONA

56. Shri Jethalal Joshi: Will the Minister of **Defence be pleased** to state:

(a) the number of Indian soldiers who lost their limbs in the last World War; and

(b) the number of persons among them who have been treated in the Artificial Limb Centre at Poona?

The Deputy Minister of Defence (Sardar Majithia): (a) 859 (includes three persons each from the Navy and the Air Force).

(b) 843.

INDIAN STUDENTS SENT ABROAD

57. Shri Ajit Singh: Will the Minister of **Education** be pleased to state:

(a) the number of students who have been sent out for studies abroad under scholarships awarded by various countries during 1953-54;

(b) the number of students from foreign countries who are studying in India under the Scholarships Scheme of the Government of India; and

(c) the countries to which they belong?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) 51 persons under schemes open to students among others. This excludes persons sent abroad under Technial Aid and other awards meant for employed persons alone.

(b) 270 persons (including 107 awarded scholarships in 1953-54) in schemes open to students among others and excluding persons studying under Technical Aid Programmes meant for employed persons alone.

(c) Aden, Afghanistan, British East Africa, British West Indies, Burma, Ceylon, China, Egypt, Ethiopia, Fiji, Gold Coast, Indo-China, Indonesia, Iran, Iraq, Israel, Japan, Malaya, Mauritius, Madagascar, Nepal, Nigeria, N. Rhodesia, Nyasaland, Philippines, Sikkim, South Africa, S. Rhodesia, Syria, Surinam, Sudan, Tibet, Thailand; Turkey, Germany, France, Italy.

PROSCRIBED BOOKS

58. Shri Buchhikotaiah: Will the Minister of **Home Affairs** be pleased to state:

(a) whether any books or leaflets have been proscribed by Government in 1954; and

(b) if so, what is their number?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). Three books have been proscribed by the Central Government.

भूतपूर्व सैनिकों का युद्धोत्तर पुनर्निर्माण कोष

५९. डा० सत्यवादी : क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) पिछले कुछ वर्षों में पंजाब, पेप्सू तथा हिमाचल प्रदेश की सरकारों ने भूतपूर्व सैनिकों के युद्धोत्तर पुनर्निर्माण कोष में से अलग अलग कितनी राशि खर्च की है; और

(ख) यह राशि किन किन मदों पर खर्च की गई है ?

The Deputy Minister of Defence (Sardar Majithia): (a)

Punjab	... Rs.	34,05,290-14-11
PEPSU	Rs.	1,73,967-10-1
Himachal **Pradesh.**	Rs.	35,019-12-0

(b) The money has been spent on stipends for Vocational/Technical training; scholarships for Education: establishment of Fauji Sarais, Libraries; Medical Aid to persons suffering from T.B. and other wasteful diseases; provision of sewing machines to disabled ex-servicemen and widows. settlement in Land Colonies: Transport Cooperative Societies and establishment charges for the administration of the Fund.

LANDING GROUNDS IN BIHAR

61. Dr. Ram Subhag Singh: Will the Minister of **Defence** be pleased to state:

(a) the number of landing grounds in Bihar for which land was acquired from the public during World War II;

(b) the number of landing grounds that have been abandoned now; and

(c) whether the lands referred to in part (b) above have been returned to their owners?

The Deputy Minister of Defence (Sardar Majithia): (a) Ten.

(b) Six.

(c) Acquired lands having become Government's property, it is not incumbent on Government to release these lands to their original owners. However, wherever possible, surplus acquired lands are being reconveyed to the original owners, if they are willing to accept their reconveyance.

RIFLE TRAINING TO CIVILIANS

62. Shri D. C. Sharma: Will the Minister of Home Affairs be pleased to state the progress that has been made so far with regard to the plan to impart rifle training to civilians in the police lines?

The Minister of Home Affairs and States (Dr. Katju): The State Governments were informed of the details of the scheme of imparting rifle training to civilians in the rifle ranges attached to police *thanas*, on payment of a small annual fee of Rs. 3 for joining the training classes and one anna for each round of amunition used by them; a sufficient number of ·22 rifles and ammunition would be supplied to such Police Stations by the Ministry of Defence. The State Governments were requested to consider and to give effect to the scheme and also to let the Ministry of Defence know the number of rifles required for the training. The replies of most of the States are, however, still awaited.

Wednesday,25th August, 1954

LOK SABHA

DEBATES

(Part II—Proceedings other than Questions and Answers)

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Seventh Session

1954

LOK SABHA SECRETARIAT

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LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

LOK SABHA

Wednesday, 25th August, 1954

The Lok Sabha met at a Quarter Past Eight of the Clock

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See part I*)

9-16 A.M.

PAPERS LAID ON THE TABLE

NOTIFICATION UNDER SALARIES AND ALLOWANCES OF OFFICERS OF PARLIAMENT ACT, 1953.

The Minister of Finance (Shri C. D. Deshmukh): I beg to lay on the Table a copy of the Ministry of Finance Notification No. 59(1)-EV/53, dated the 17th April, 1954, under sub-section (2) of section 11 of the Salaries and Allowances of Officers of Parliament Act, 1953. [*Placed in Library. See* No. S-243/54.]

OFFICERS OF PARLIAMENT (ADVANCES FOR MOTOR-CARS) RULES, 1953.

Shri C. D. Deshmukh: I beg to lay on the Table, under sub-section (2) of section 11 of the Salaries and Allowances of Officers of Parliament Act, 1953, a copy of the Officers of Parliament (Advances for Motor-cars) Rules, 1953, published in the Ministry of Finance Notification No. F.35(9)-E.V./54, dated the 22nd May, 1954. [*Placed in Library. See* No. S-244/54.]

AMENDMENT IN UNION PUBLIC SERVICE COMMISSION (CONSULTATION) REGULATIONS

The Deputy Minister of Home Affairs (Shri Datar): I beg to lay on the Table a copy of Notification No. 18/10/54-Ests.(B), dated the 1st July, 1954 making certain further amendment in the Union Public Service Commission (Consultation) Regulations, in accordance with clause (5) of Article 320 of the Constitution. [*Placed in Library. See* No. S-234/54.]

DELIMITATION COMMISSION FINAL ORDERS

The Minister of Law and Minority Affairs (Shri Biswas): I beg to lay on the Table a copy of each of the following Order under sub-section (2) of section (9) of the Delimitation Commission Act, 1952:—

(i) Delimitation Commission, India, Final Order No. 11, dated the 16th June, 1954 [*Placed in Library. See* No. S-254/54.];

(ii) Delimitation Commission, India, Final Order No. 12, dated the 16th June, 1954 [*Placed in Library. See* No. S-255/54.]; and

(iii) Delimitation Commission, India, Final Order No. 13, dated the 2nd August, 1954 [*Placed in Library. See* No. S-256/54.].

(i) ORDER RE: MODIFICATION OF DECISION OF LABOUR APPELLATE TRIBUNAL ON APPEALS AGAINST AWARD OF ALL-INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES) (SASTRY TRIBUNAL);

(ii) STATEMENT OF REASONS FOR MODIFYING THE DECISION OF LABOUR APPELLATE TRIBUNAL ON APPEALS AGAINST AWARD OF ALL-INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES).

The Minister of Labour (Shri V. V. Giri): I beg to lay on the Table a copy of each of the following papers:—

(i) Order No. LR.100(126) dated the 24th August, 1954 regarding

[Shri V. V. Giri]

the modification of the decision of the Labour Appellate Tribunal on the appeals against the award of the All-India Industrial Tribunal (Bank Disputes) (Sastry Tribunal) [*Placed in Library. See* No. S-252/54.]; and

(ii) Statement of reasons for modifying the decision of the Labour Appellate Tribunal on the appeals against the Award of the All-India Industrial Tribunal (Bank Disputes), dated the 28th April, 1954 [*Placed in Library. See* No. S-253/54.].

FURTHER NOTES EXCHANGED BETWEEN GOVERNMENT OF INDIA AND PORTUGUESE GOVERNMENT

The Deputy Minister of External Affairs (Shri Anil K. Chanda): I beg to lay on the Table a copy each of certain further notes exchanged between the Government of India and the Portuguese Government regarding Portuguese Possessions in India. [*Placed in Library. See* No. S-251/54.]

NOTIFICATIONS MAKING AMENDMENTS TO ESTATE DUTY RULES

The Deputy Minister of Finance (Shri M. C. Shah): I beg to lay on the Table, under sub-section (3) of section 85 of the Estate Duty Act, 1953, a copy of the Notifications No. S.R.O. 1706, dated the 22nd May, 1954, and No. 13 dated the 6th July, 1954 making certain amendments to the Estate Duty Rules, 1953. [*Placed in Library. See* No. S-257/54.]

PETITIONS RECEIVED

Secretary: Sir, I have to report that four petitions have been received on the following subjects:

(1) Duplicate allotment of residential accommodation to displaced persons;

(2) Restrictions with regard to crossword puzzle schemes;

(3) Merger of Seraikella-Kharswan with Orissa and suppression of movements against their integration with Bihar; and

(4) Floating of 'Tax Evaders Loan' to unearth the hidden money of tax evaders.

Statement re: Petitions

Number of Signatories	District or Town	State	Number of petitions
1	Delhi	Delhi	30
1	Coimbatore District	Madras	31
2701	Seraikella	Bihar	32
1	Delhi	Delhi	33

PRIME MINISTER'S STATEMENT ON INTERNATIONAL AFFAIRS

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): The House is aware that since it took into consideration the international situation and the policy of the Government of India in relation thereto on the 15th May last, events and developments of much significance have occurred. All these are, in a general way, of concern and interest to us. Some of these events and developments are of more proximate concern to us. In some of them again, our sentiments and our historic circumstances are engaged; in others we are either involved or are concerned to avoid involvement; and in some we have accepted, as part of our international obligations and concern for peace, heavy burdens and onerous responsibilities.

It is not my intention to refer to all these matters or to deal with any of them at great length but to make a comparatively brief statement, setting out the Government's appreciation of and position in respect of some of these problems and developments.

The situation in respect of the Portuguese settlements in India, which has aroused much attention and concern both in the House and the country, is one which has continually engaged the study and active consideration of Government. Internally in the Portuguese settlements, the opposition and resistance to foreign and colonial rule has gathered momentum. This is an entirely Goan movement, popular and indigenous. It has been countered by the authorities by the time-honoured but discredited methods of colonial assertion, repression and authoritarian violence coupled with the denial of inherent rights of the people to their freedom and self-determination.

The position of the Government of India and indeed of the people of this country, is well-known and hardly needs restatement. Goa and the Union of India form one country. As a result of foreign conquest, various parts of India came under colonial domination. Historical developments brought almost the entire country under British rule. But some small pockets of territory remained under the colonial rule of other foreign powers, chiefly because they were tolerated as such by the then British power. The movement for freedom in India was not confined to any part of the country, its objective was the freedom of the entire country from every kind of foreign domination. Inevitably the movement took shape in what was called British India and, ultimately, resulted in the withdrawal of the colonial power and the establishment of the Republic of India. That process of liberation cannot be completed till the remaining small pockets of foreign territory are also not freed from colonial control. The Government and the people of this country, therefore, fully sympathise with the aspirations of the Goan people to free themselves from alien rule and to be reunited with the motherland.

The policy that we have pursued has been, even as in India under British rule, one of non-violence and we have fashioned our approach and conduct accordingly. This adherence to non-violence means

(i) that we may not abandon or permit any derogation of our identification with the cause of our compatriots under Portuguese rule; and

(ii) equally we may not adopt, advocate or deliberately bring about situations of violence.

We regard and base our position on the fact that the liberation movement is Goan and spontaneous, and that its real strength lies in this fact.

The Government of India, and I am confident the great majority of our people, have no intention of adopting any policy or methods which depart from these principles, which are the foundations on which our very nationhood rests and which are the historic and unique legacy of Gandhiji and the pioneers of our freedom.

Further, we may never forget that, in our approach and endeavours for our own freedom we were enjoined to eliminate fear. I want to say in all sincerity that the Government do not and will not function in this matter on a foundation of apprehensiveness and fear of probable consequences, of threats, from whatever quarter they may come, or condone, much less approve or support, methods of conduct based on fear. Such methods are opposed to our policy and deny the basic ideas of non-violence.

The Portuguese Government have indulged in reckless allegations and unrestrained abuse of us. Moved by the fear characteristic of those whose strength is based on force, they have sought to amass their military strength on their possessions in India to terrorise the people. They are well aware that they constitute no terror for us.

It is not, however, the intention of the Government of India to be provoked into thinking and acting in

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military terms. The Portùguese concentrations and ship movements may well be a violation of our national and international rights. We shall examine and consider these and take such legitimate measures as may be necessary. But we have no intention of following the Portuguese Government's example in this respect.

The Portuguese Government have, in their representations to us and to other countries, as well as in their crude propaganda, indulged in totally untrue and reckless allegations. The purpose of all this is to arouse opinion against us by painting us as aggressive militarists, anti-Christian, particularly anti-Catholic, and hypocritical expansionists. They want others to believe that we want to make Goa an Indian colony.

These allegations are repudiated by the Goan people in the Portuguese possessions themselves, despite the authoritatian regime there and the repression, the censorship and State-controlled propaganda. The Goan liberations movement, however, continues to grow and may well be measured by the increase in violence and recklessness of Portuguese allegations and propaganda. Goans, outside Goa, mainly in India and East Africa, have expressed themselves in favour of this movement. They demand the end of alien rule and the reunion of Goa with the motherland.

The Portuguese allegations about Indian hostility to Roman. Catholics and the danger to Catholics if Goa joined the Indian Union have been repudiated most emphatically by the Roman Catholics of India and, more particularly, by their eminent leaders. The Catholics in India regard these Portuguese allegations not only as false but as a slur on themselves and their country. They point to the five billion Catholics in India, who have absolute religious freedom and enjoy the consideration and respect of the rest of their compatriots. They know that the guarantees of our Constitution are a reality. Recently, at a widely attended meeting of Goans in Bombay, composed of people of all shades of opinion, mostly non-sectarian and nonparty, this feeling found emphatic expression and the falsity of Portuguese allegations was exposed.

I deeply regret that the Portuguese Government should have decided to arouse religious passions to serve their colonial ends. They have failed in this endeavour.

I would like to take this opportunity of stating once again some aspects of our basic approach in respect of Goa, when it becomes a part of the Indian Union:—

(a) The freedom and rights guaranteed by the Constitution of India and which specifically refer to freedom of conscience, worship and practice of religion, will extend in full measure and in all their implications to these areas.

(b) The special circumstances of cultural, social and lingual relations and the sense of a territorial group which history has created will be respected.

(c) Laws and customs which are part of the social pattern of these areas and which are consistent with fundamental human rights and freedoms, will be respected and modifications will be sought only by negotiation and consent.

(d) As we have done in the rest of India, full use will be made of the administrative, judicial and other services, confident that the return of freedom to and the unity of these areas with the motherland will enable adjustments to be made in harmony with progress and with the desires of the people.

The House knows that recently some Notes have been exchanged between the Portuguese Government and the Government of India. They have been placed on the table of the House. It will be evident from these Notes that the Government of India have stated their position with firmness, clarity and restraint and unprovoked by either the language or the content of the Portuguese Notes. The Government believe and are confident that the House will agree that this is and should be the way of behaviour of Governments. I shall refrain from detailed comments on the Notes exchanged except to say that, consistent with their policy of settling differences and resolving problems by conciliation and negotiation, the Government of India promptly accepted the very first offer of the Portuguese Government to cooperate with them on the issue of impartial observation. The Government of India have no objection to this and they have nothing to conceal. They have proposed that representatives of the two Governments should meet together at once and implement the principle on which they have agreed. The last Note of the Portuguese Government appears to raise some further doubts and difficulties, but the Government of India have intimated their firm desire to pursue conciliation and negotiation and urged the Portuguese Government to enable the conference to begin.

I would like to say on behalf of our country and Government that we have no animosity towards Portugal or her people. We believe the freedom of the Goans, now subject to Portugal, would be a gain for Portugal as well. We will continue to pursue, with patience and firmness, the path of conciliation and negotiation. Equally, we must declare that we would be false to our history and betray the cause of freedom itself if we did not state, without reserve, that our country and Government firmly and fully believe in the right of our compatriots in Goa to free themselves from alien rule and to be reunited with the rest of the motherland. This will serve the cause of friendship and understanding, even as freedom to India has led to friendly relations between the United Kingdom and India. We would therefore invite the Portuguese Government to cooperate in the peaceful consummation of these endeavours.

The position in respect of the French settlements happily affords at present a different and more hopeful picture. I believe we may reasonably feel that we are nearing the consummation of our hopes of a peaceful and lasting settlement, arrived at by conciliation and consent, honourable and satisfactory to all concerned. Exchanges of views and ideas between ourselves and the Government of France have been in progress for some time and they are being pursued with goodwill on both sides. The Prime Minister of France has demonstrated to the world his patriotism and political boldness as well as his desire for peaceful settlements by negotiation. I have every hope that we shall before long witness the solution of this problem in the context of the full freedom of our people and of firmer friendship between India and France.

The present phase of this problem is, as I have said, hopeful, but it has not always been so. The exercise of patience and our firm desire to reach settlement by negotiation has justified itself. The House will perhaps allow me to say that this policy of acting with patience and prudence, in accordance with the principles we hold does justice to ourselves and also yields results.

From these two issues, geographically and politically proximate to us, I would now ask the House to turn to others, in which we are no less concerned and are perhaps more onerously involved and committed. I refer to the two Conferences held in Geneva in April to July of this year. Both these Conferences were concerned with the countries and peoples of Asia. Yet the principal participants in the

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Conference, with the significant exception of China, were non-Asian States. This corresponds in some measure to the reality of the modern world, a reality that represents territorial, racial and political imbalance. It also enables us to appreciate that we cannot consider, much less resolve, the important problems of the world today by regarding them as Asian or European, Eastern or Western, problems exclusively. Their solution, however, requires the recognition of the place of Asia in the modern world.

This was evident at Geneva in several ways. Firstly, there was the presence of China at both the Conferences, proclaiming by her presence there not only the inevitability of the recognition of facts, but of the purposefulness of such recognition.

Secondly, there was the fact that at the Conference on Indo-China, the deliberations of the South East Asia Prime Ministers at Colombo had an essential and inescapable role in the Geneva deliberations, although none of these countries participated, at Geneva. The Colombo proposals on Indo-China were themselves, in large part, based on similar proposals submitted to this House on an earlier occasion and which, with certain modifications in formulation, found favour with my fellow Prime Ministers.

The Conference on Korea adjourned inconclusively, but it should be noted and affirmed that the Conference has not broken up. The problem of Korea has to be resolved in the interests of Asian and world stability and peace. It is not without significance that no party at Geneva was willing or ready to force the Conference to a catastrophic or even formal end. The great majority of the States represented wished and sought at least partial solutions. The proposals made there contain the elements of advance and a concern to find a settlement. They can be a kind of bridgehead from which a hopeful landing to the shores of a Korean settlement may, and indeed, should be planned or envisaged. The Geneva Conference should not be permitted to lapse. Endeavours to make progress towards peace in Korea should be continued.

At Geneva, the Indo-China Conference assumed the greater importance. The historic role of this Conference was that it was the alternative, or the deterrent, to what threatened to lead to World War III. This is the feature of the Geneva Conference on Indo-China that gives it a memorable place in history.

The mediatory role of the two Presidents of the Conference, Mr. Eden and M. Molotov, and the dominent desire that pervaded Geneva despite all conflicts and deadlocks, was that there should be a settlement and the grim alternative must be averted.

Apart from the two Conference Presidents, the Chinese Prime Minister, whom we had the pleasure of welcoming in this country, distinguished himself as a constructive statesman. He also brought to the Conference the first-hand sense of the reality of the new Asia. His visit to India appears to have assisted him to understand the Asia outside of China and also to appreciate the evolving South East Asia pattern of collective peace.

Great as the role of others was, the main task and therefore the determining role rested with the principal belligerents—France and the Democratic Republic of Viet-Nam. Direct negotiations between them first proposed in this House and later affirmed at Colombo, became an important feature in regard to some aspects. To the Prime Minister of France, M. Mendes-France, and the representatives of the Democratic Republic of Viet-Nam our gratitude is due for the courage and vision with which they tackled this difficult problem. The three other Governments in Indo-China, represented at the Conference. namely, Cambodia, Laos and Viet-Nam, all intimately involved in the horrors of war, also made their contribution to the settlement. Indo-China has been a truly negotiated settlement where not any one of the belligerents but peace has been the victor.

The Armistice settlement rests on the agreement between the combatants, represented by the two High Commands. On them rests the responsibility of maintaining it. But, from the beginning of the Conference, the role, functions, composition and the procedure of the neutral or impartial Supervisory Commissions bedevilled the deliberations, and stood deadlocked for a long time. The agreement reached on the functions as now set out and the composition of the Commissions with Canada, Poland and India proved the turning point. To India, a place on the Commissions was proposed by every participant and on every occasion. Finally, the Chairmanship of India became one of the necessities for a settlement.

India had not been a participant at the Conference. She had not sought a place on the Commissions. Indeed, we did not even disclose whether we would or would not accept responsibility. When this responsibility was offered to us, we could not refuse for our refusal would have meant imperilling the whole agreement. We have thus to shoulder this heavy and onerous responsibility.

We have been fortunate in our colleagues and in our relations with the parties in Indo-China. Hitherto all decisions in the Commissions have been unanimous. This itself represents goodwill and an earnest desire to work as a team. On the 1st August I inaugurated a Conference of the three Governments to establish the Commissions on the date fixed by the agreements. This Conference came to unanimous decisions and sent out in record time an advance party under Sri S. Dutt, Commonwealth Secretary of the Ministry of External Affairs. Sri Dutt returned two days ago after all the three Commissions had been established. I feel sure that the House would wish to assure them of its goodwill and its earnest hope of their success.

It is a notable feature of the Indo-China settlement that it provides for the establishment of the independence of the three States—Viet-Nam, Laos and Cambodia—and seeks to safeguard their sovereignty on the pledges of mutual respect of each other's integrity, freedom from interference in each other's internal affairs, and the undertaking not to enter into military alliances with other States. Thus, the Indo-China States bid fair to find a place in collective peace rather than in war blocs.

To the people of Indo-China, irrespective of their former antagonisms to one another and in all their grim travail, we send our sincere and warm wishes and hopes for peace, unity and prosperity. Asia has greater hopes of peace and stability as a result of the Indo-China settlement.

I have already mentioned the visit of Mr. Chou-En-Lai to Delhi. The welcome he received was spontaneous and proclaimed the urges of our people for understanding and peaceful relations. It was also an expression of a sense of Asianhood among our two peoples. This visit has brought greater understanding of each country to the other.

The joint communique issued by Mr. Chou-En-Lai and myself, as Prime Ministers of our respective countries, has attracted world attention. The five principles set out there flow from the collective peace approach. Our nearest neighbour Burma has also adhered to these five principles and other countries in South East Asia favour them. The understanding we have established is not aimed against any country or group of countries. We hope that it contains the nucleus of the pattern of collective peace, the only alternative to war-preparedness and the only substantial approach to real security.

Early next month a meeting is going to be held at Baguio in the Philippines to consider proposals to form a South

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East Asia Collective Organisation. We have expressed our inability to participate in this meeting because it seems to us that it is likely to reverse the trend of conciliation released by the Indo-China settlement. Collective security, according to our belief, can only come by resolving world tensions and developing a pattern of collective peace. Anything that adds to those tensions takes us away from peace. We are apprehensive, therefore, that the proposed South East Asia Collective Organisation will in the present do more harm than any good that it may hope to do in the future.

It is the view and the hope of the Government of India that the present lowering of world tensions, following the Indo-China settlement and the expressed desire of nations for peace, should be followed up and utilised to further the means and prospects of world peace and of resolving present world tensions. The United Nations General Assembly, which meets next month, has before it this historic task. We trust that it will endeavour to resolve some of the stubborn conflicts of our world by the collective peace approach and not by relying on false hopes of peace and security based on fear and war.

Mr. Speaker: The hon. Education Minister.

Shri S. S. More (Sholapur): May I make one request, that this important statement should be circulated to all the Members?

Mr. Speaker: It would be circulated.

CORRECTION OF ANSWER TO SUPPLEMENTARY QUESTION ON STARRED QUESTION No. 632.

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): On behalf of the hon. Minister of Education, I beg to make the following statement.

On the 4th December 1953, in reply to a supplementary question to starred question No. 632, enquiring whether Government would consider removing the big disparity which was alleged to exist in the pay scales sanctioned for Manipurians and for non-Manipurians employed as teachers in Government High Schools in the State, it was stated that that question was also being considered. In this connection, I wish to correct a possible misapprehension in the minds of Members and to say that what the Deputy Minister intended to convey was that the question would also be considered of bringing the scales of pay of certain posts in Government High Schools in the Manipur State into line with those for the corresponding categories of posts in the neighbouring State of Assam. There is no disparity in the pay scales of Manipurians and non-Manipurians in the State.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

FOOD ADULTERATION BILL—*contd.*

Clause 10.—(*Powers of food inspectors*)—*contd.*

Mr. Chairman: We proceed to the next legislative business in the House. Yesterday we finished Amendment No. 137. We proceed further.

Order, order, there is so much noise in the House. Amendment No. 26, List No. 2. Mr. S. V. Ramaswamy.

Shri S. V. Ramaswamy (Salem): Not moving.

Mr. Chairman: Shri Gurupadaswamy. Amendment No. 1, List No. 1.

The Minister of Health (Rajkumari Amrit Kaur): May I request that there may be less noise in the House? We cannot hear one word.

Mr. Chairman: May I request hon. Members now not to speak with each other and kindly resume the business of the House. Yes, Mr. Gurupadaswamy.

Shri M. S. Gurupadaswamy (Mysore): I beg to move:

In page 7, *after* line 37, *insert*—

> "(6A) Where any action is taken under sub-sections (1)(a), (2), (4), (5) and (6), the Food Inspector shall take the signature of not less than two witnessess."

The purpose of my amendment is very simple. I wish to fill a lacuna which is found in this measure. There is no provision in this particular clause No. 10........

Mr. Chairman: Louder please. The hon. Member is not audible.

Shri M. S. Gurupadaswamy: Sir, I was just saying that my amendment is very simple. It is just to fill a lacuna which has been found in clause 10, page 7. You notice here that there is no provision made for the purpose of having witnesses. Now, though the amendment is very simple, its importance is very great. We are aware by experience, by observation, how powers given to Food Inspectors and other officers even under local Acts have been abused and misused. This has proved to be a great engine of oppression in the long run. The Food Inspector may approach any person selling an article, any manufacturer or any consignee and ask him for a sample or take delivery of the sample, but while taking such samples of any article from any person, he need not do it before witnesses.

Mr. Chairman: May I just bring to the notice of the hon. Member that we passed yesterday amendment No. 137? That is, in regard to these searches etc., the provisions of the Criminal Procedure Code will apply, and these provisions, as the hon. Member is fully aware, envisage that two persons will be witnesses, an inventory will be prepared and they will be asked to sign etc.

Shri M. S. Gurupadaswamy: It is only regarding search or inspection.

Mr. Chairman: Yes.

Shri M. S. Gurupadaswamy: Provision is made only with regard to search or inspection of places by an officer. It does not cover other things.

Mr. Chairman: So far as the question of taking samples for analysis action is concerned, that relates to clause 11. In clause 10 which refers to search etc., the provisions of the Criminal Procedure Code have been made applicable by the amendment which we have already passed.

Shri M. S. Gurupadaswamy: But what about taking samples?

Mr. Chairman: That will come under clause 11. Now we are in clause 10.

Shri M. S. Gurupadaswamy: But clause 10 also deals with samples.

Shri S. S. More (Sholapur): Sub-clause 1 of clause 10 refers to taking samples, and only sub-clause 2 of that clause refers to inspection for the purpose of taking samples.

Mr. Chairman: The purpose of taking samples is quite different from the procedure which should be adopted at the time of taking samples for analysis. To that, reference is made in clause 11. When we are at clause 11, this amendment may be more relevant.

Shri S. V. Ramaswamy: May I submit that amendment No. 137 has already been accepted by the House?

Mr. Chairman: That is exactly what I am pointing out.

Rajkumari Amrit Kaur: Therefore, there is no point in having this amendment. I oppose it.

Mr. Chairman: The point made by the hon. Member is that that amendment relates to any action of seizure etc. in consequence of a search warrant issued under the orders of a court. But this one relates to the taking of

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samples. This is what we find in sub-clause 1(a) of clause 10. Therefore, it is not that this amendment is not relevant, but I am only pointing out to the hon. Member that this will be more relevant under clause 11, which deals with the procedure of taking samples for analysis.

Shri M. S. Gurupadaswamy: I have no objection if it is taken under clause 11. I have no objection at all to that. I do not know which place suits it best. I am only concerned with this provision being made in respect of the taking of samples. Provision should be made for witnesses, while samples are taken. That is all the purpose of my amendment.

Mr. Chairman: But the difficulty is that the hon. Member's amendment relates to sub-clauses 1(a), 2, 4, 5 and 6. Sub-clauses 5, 6, etc. deal with the question of seizure of articles, searches etc. This is an amendment which relates to several sub-clauses. My objection relates only to sub-clause 1(a). In regard to taking samples, this will be more relevant under clause 11. In regard to the other sub-clauses, the amendment that we have already accepted is quite enough. In regard to seizure etc. we have already adopted amendment No. 137.

Shri M. S. Gurupadaswamy: May I know what your suggestion is?

Mr. Chairman: I would suggest that this amendment may be confined to sub-clause 1(a) only, and may be taken up under clause 11.

Shri M. S. Gurupadaswamy: I have no objection.

Shri S. S. More: With due respect to you, I want to submit that if you look to the headings of the two clauses, you will find that clause 10 deals with the powers of Food Inspectors, while clause 11 deals with the procedure to be followed by Food Inspectors. The Mover of this amendment is keen on restricting the powers of the Inspectors. If you look into the government amendment, you will see that it is very restricted in its scope, and it reads:

> "Provided further that the food inspector shall, in exercising the powers of entry upon......"

This refers only to powers of entry, and not to the powers of taking samples etc. Whether this amendment of Shri M. S. Gurupadaswamy will improve the matter or not is another matter. But I am only confining my remarks to the proper place where this amendment may be conveniently shoved in. If the hon. Member wants to have some restrictions on the powers of the food inspectors, then the proper place will be clause 10. Of course, it is a matter of opinion, on which we might disagree.

Mr. Chairman: I am sorry that what I wanted to convey has not been fully appreciated. I quite see that this amendment relates to several matters, referred to in sub-clauses 1(a), 2, 4, 5 and 6. It is an omnibus amendment. But at the same time, we have already adopted an amendment which says......

Shri S. S. More: I have seen that amendment. It confines itself very strictly to powers of entry and not to other powers, such as powers of taking samples etc. With your permission, I would read amendment No. 137.

> "Provided further that the food inspector shall, in exercising the powers of entry upon, and inspection of any place under this Section,"

So, the amendment that has been accepted by the House, *viz.* amendment No. 137 has relevance only to sub-clause 2 of clause 10. My submission is that the hon. Member Shri M. S. Gurupadaswamy wants to restrict the powers of the Food Inspector in a more comprehensive manner than is contemplated in amendment No. 137.

Mr. Chairman: What I was pointing out is not different from what the hon. Member has himself said. Clause 10 relates to powers of Food Inspectors. Sub-clause 1(a) deals with the power of taking samples, whereas sub-clauses 2, 3 and the subsequent sub-clauses deal with the question of entry, inspection of the spot as well as seizure of articles. Under sub-clause 2, the Food Inspector may enter any place, and under the subsequent sub-clauses, he may go ahead with his work. The subsequent provisions relate to asking people to be present there, or not to be present there at the time of breaking upon any receptacle, door etc., and ultimately, when he goes there, he seizes certain articles, if they are in the possession of some persons. So far as these other actions are concerned, this entry is only a condition precedent. Unless a person enters, he cannot be expected to take possession of certain articles which are in the possession of particular persons. Therefore, amendment No. 137 relates to circumstances in which an entry has been made, and seizure etc. take place.

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Shri S. S. More: Again, if you would permit me, I should like to say that a distributor or a trader might have a stall which is open to the road, and in that case, there will be no question of entering into any premises. But there might be certain godowns and warehouses which are not open to the road, and the inspector will have to enter certain premises before he reaches those godowns and warehouses. These are different locations of the articles which are to be taken sample of. The government amendment No. 137 restricts the powers of the inspector, as far as his power under sub-clause 2 are concerned. But as far as the other sub-clauses are concerned, it has no relevance at all, and no application. Therefore, I feel, with all my respect for you, that this amendment will be more germane here, and more appropriate here than at any other place. Clause 11 refers to procedure, but here we are interested not in devising a procedure, but in restricting the powers. That is the main intention of my hon. friend Shri M. S. Gurupadaswamy's amendment.

Mr. Chairman: My difficulty is this, and I will just explain it to the House. So far as such sub-clauses as do not relate to the entry are concerned, it is quite true that even in respect of them, provision may be made so that the signatures of two persons may be taken. I do not object to that. But we have already taken a decision in regard to amendment No. 137 which provides that the Food Inspector is bound to follow the provisions laid down in the Criminal Procedure Code. So, so far as that matter is concerned, this amendment will be nothing but duplication. According to the Criminal Procedure Code also, two persons of the locality must be present, they must be asked to sign, and so on. If this amendment also comes here, it will mean that there will be two provisions; firstly, the signatures must be taken in the presence of these two witnesses, and secondly, the provisions of the Criminal Procedure Code also should be followed.

Therefore, I would rather like that there may be some amendment which would cover the case pointed out by Shri S. S. More, *i.e.* when entry is contemplated into a godown etc., that also may be covered by some relevant amendment.

Shri S. S. More: May I seek a clarification from the hon. Minister in charge of the Bill, as to whether she is ready to make applicable the relevant sections of the Criminal Procedure Code, to all actions of the Food Inspector under clause 10?

Mr. Chairman: The difficulty is this. There are certain provisions, such as section 103 of the Criminal Procedure Code, which relate to entry and seizure of articles, but there are certain sections of the Criminal Procedure Code, which will relate to other matters. There are no safeguarding provisions in the Criminal Procedure

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Code, which will apply when a person goes and takes possession of certain articles, without making any entry or search.

Shri S. S. More: Take, for instance, *panchnama.*

Mr. Chairman: Every *panchnama* refers only to section 103 of the Criminal Procedure Code. Therefore, we want a provision which will be other than the ones contained in the Criminal Procedure Code, because those provisions do not cover the present case.

Shri S. S. More: I accept that for correction. But my only intention is that if you want to give some protection to the distributors who are coming under the evil eye of the Food Inspector, let there be a *panchnama.* Of course, I am not very much enamoured of *panchnamas,* because I know what has been the fate of *panchnamas* in prohibition cases. Instead of the man concerned being required to corrupt some of the officers, he will have the further task of corrupting some of the *panchs* also, if he wants to get out of the case. Therefore, the corruption will be more widespread and more equitably distributed. That will be the only advantage, if we introduce *panchnamas.* But whether we should have it or not is a matter for discussion and final decision by the House. My hon. friend Shri M. S. Gurupadaswamy's amendment is designed to bring in these elements of *panchnamas,* because by saying that two witnesses should be there, he is practically saying that there should be a *panchnama.*

Rajkumari Amrit Kaur: May I just say one word? It is not always possible for the Food Inspector to have two witnesses or to produce them; I do not want the Food Inspector to be burdened with that. The vendors have enough protection and I am not willing to agree that it should be necessary for the Food Inspector to have two witnesses.

Mr. Chairman: I take it that in regard to matters which do not come within the purview of amendment No. 137, the hon. Minister wants that the Food Inspector may not be obliged to have any number of witnesses, as specified in the hon. Member Mr. Gurupadaswamy's amendment.

Shri Raghavachari (Penukonda): May I make a submission with your permission? I am only trying to bring to bear the attention of the Government on the amendment which has already been accepted. That amendment, No. 137, is to be after line 31. It is a proviso; so it will be the second proviso to section 10(5), on page 7. Therefore, the proviso:

> "Provided further that the food inspector shall in exercising the powers of entry upon, and inspection of any place under this Section..."

qualifies the whole section and not the sub-section at all. Therefore, the very scheme and the language would suggest that it is meant to be a governing factor applicable to action under sub-sections 1(a), (2), (4), (5) and (6); the language used in amendment No. 137 is search and seizure. So it requires a little more careful attention before the language is apt at the appropriate place. I do not know if I have made myself clear.

Mr. Chairman: But the Gordian knot is cut when the hon. Minister has said that she does not accept the amendment.

Shri Raghavachari: I just request the hon. Minister to give further consideration so that the purpose which she says she is prepared to accept, namely, that the action......

Mr. Chairman: That is being done by the amendment of Shri Gurupadaswamy. He has stressed the very thing which the hon. Member has in mind.

Shri Raghavachari: I intended to submit for your consideration that what you want is regarding sub-section (1).

Certainly you have already said that the matter may be confined only to...

Mr. Chairman: I have withdrawn that objection. Now it is a matter of substance. If the hon. Minister had agreed to it, then it would be relevant under section 11, but when she does not agree, it is a question of substance, whether it ought to be accepted at all.

Shri Raghavachari: I am only trying to impress upon the hon. Minister that the provision which she has made will in actual working and interpretation lead to difficulties which will defeat the purpose which she has in view.

Shri M. S. Gurupadaswamy: As Mr. More has said, my purpose is very simple. It is to restrict the powers of the Food Inspectors so that they may not misuse their powers. If we make a provision for witnesses, there is less possibility of misuse on the part of the Food Inspectors of their powers. In case we do not make provision for witnesses, there is greater possibility of harassment to the manufacturers, sellers or vendors. So there is no harm in accepting my amendment.

You may look at it in two ways. You may take it as procedural or you may take it as restrictive on the powers of the food inspectors. Whether the place here is the appropriate place for this purpose, I am not sure. I am not sure whether this provision should be under section 10 or section 11, but I am only concerned with the purpose for which I have moved the amendment. It is a simple purpose—to restrict the powers of the Food Inspectors and to give more safeguards to the people.

Rajkumari Amrit Kaur: May I make one point clear?

Mr. Chairman: Let me put the amendment before the House, before the hon. Minister is called upon to answer.

Amendment moved:

In page 7, *after* line 37, *insert*—

"(6A) Where any action is taken under sub-sections (1) (a), (2), (4), (5) and (6), the food inspector shall take, the signature of not less than two witnesses".

Shri Tek Chand (Ambala-Simla): The amendment of Shri Gurupada, swamy appears to be more comprehensive and better intended to serve the purpose than the amendment No. 137. The reasons are these. There are three processes contemplated when a Food Inspector visits. He has got to enter upon the premises, then he must inspect the wares and then he has to take samples. So far as amendment No. 137 is concerned, it confines itself to two factors only, that is to say, entry and inspection. But when it comes to taking samples, even the requirements of the Criminal Procedure Code are given the go-bye. The great protection provided by the Code of Criminal Procedure is that the thing should be done—the act of taking, search etc.—in the presence of at least two local respectables, not any two people. Those who have had occasion to practise in law courts are very well aware that food inspectors exploit this power of theirs to the detriment of the people, in this sense that ordinarily they are in league with the sellers of these adulterated articles of food and occasionally they keep on visiting them. The whole thing is reduced to a sort of farce. They keep on paying, small tax-gathering goes on, and the harvest is occasionally taken by the Food Inspectors. But the important safeguard will be that if at the time of taking of samples, there should be present two local respectables...

Mr. Chairman: This amendment does not speak of 'two local respectables'; it only refers to two witnesses. Under section 103 of the Criminal Procedure Code it is provided that there should be two respectable men of the locality present, but here the amendment only speaks of two witnesses.

Shri Hem Raj (Kangra): May I submit that my amendment, No. 60,

[Shri Hem Raj]

stipulates that there should be two respectable citizens of the locality?

Mr. Chairman: In these circumstances, I would request the hon. Member to move his amendment at this stage so that both may be discussed.

Shri Hem Raj: I beg to move:

In page 7, *after* line 37, *insert*—

> "(6A) Whenever the food inspector takes any action under sub-sections (1) (a), (2), (4), (5) and (6), he shall do it in the presence of two respectable citizens of the locality".

Mr. Chairman: Amendment moved:

In page 7, *after line* 37, *insert*

> "(6A) Whenever the food inspector takes any action under sub-sections (1)(a), (2), (4), (5) and (6), he shall do it in the presence of two respectable citizens of the locality".

Shri Tek Chand: When I was talking of the requirement of two respectable people of the locality, I had in contemplation the relevant provisions of the Code of Criminal Procedure which have been incorporated yesterday in amendment No. 137. That again refers to the presence of two respectable persons of the locality. What I want to emphasise is that the Government is willing to concede—and it very rightly does in amendment 137—that if a food inspector is to effect any entry or is to inspect the place, at that time, the presence of two local respectables is necessary. I wish the words 'as far as may be' had been avoided because, it leaves a loophole for the food inspector either to observe the provisions of the law or simply ignore them saying that people were not available or he may have two usual police stooges or departmental stooges. Now that it has been passed, the question is that whenever there is going to be an entry or an inspection the presence of two local respectables is desirable and is provided for. But when he is about to take the sample that safeguard is not there. After all when these are three allied processes, it is desirable that not only at the time of entry, not only at the time of inspection but also at the time of taking the samples that safeguard ought to be provided. Whatever is to be done which is going to incriminate the adulteror of food, that should be done in the presence of two local respectables. I am saying so not in order to provide any safeguards for the vendors so much because very often what is happening is that the vendor and the food inspector are in league. The Food Inspector, in order to show that he is doing good work has to his credit occasional convictions and small fines of persons prosecuted at his instance. But, so far as the process of adulteration of food is concerned, that is going on. The presence of two respectables should be there in order to see that this sort of improper conspiracy between the Food Inspector and the adulteror of food is not going on as a matter of habit or as a matter of regular practice. Therefore, it will be very desirable to have that safeguard here also, that is, not only at the time of entry and inspection but also at the time of taking away of the samples, witnesses be present.

Rajkumari Amrit Kaur: First, I would like to clear one of the doubts raised. My amendment No. 137 applies to the entire section. That is a point which I wanted to make clear.

Mr. Chairman: The words are absolutely clear.

Rajkumari Amrit Kaur: As far as the requirement of two witnesses is concerned, in my opinion, it would be very difficult and inconvenient for the Food Inspector. People say that Food Inspectors are persons who are in league with the vendor. In any case you protect the vendor but it is not enough protection to the Food Inspector. The Food Inspector cannot be asked to do things which might sometimes be absolutely impossible for him to do. Witnesses will not always be readily available.

Moreover, I would also like to bring to the notice of the House that not only in the present Bill but also in Acts similar to the present Bill for the prevention of adulteration and things of that nature no such provisions are to be found. Therefore, I am not willing to accept it.

In addition to what has already been stated about the witnesses, the fact that a portion of the sample will be left with the vendor is sufficient safeguard for him. The Food Inspector has got to leave a portion with the vendor, he has to send a portion to the analyst and he has himself to keep a portion. So, the vendor has enough protection.

Shri S. S. More: Supposing the Food Inspector instead of giving one-third to the vendor somehow sends it with a report that he has refused to accept it. What is the evidence that one-third of the sample was tried to be delivered to the vendor concerned and he was piggish enough not to accept it?

Rajkumari Amrit Kaur: If you doubt your people all the time and if you are suspicious of them you cannot make any Act fool-proof. To an extent you have got to rely on the honesty of your officials and you should try to make it as difficult as possible for them to be dishonest.

I say again that it will not always be possible to get witnesses and the fact that he gives one-third to the vendor, one-third to the analyst and keeps one-third with himself should be sufficient protection.

Mr. Chairman: It is not for the Chair to interfere in a matter of this nature. But, as the subject is a very important one, I would request the hon. Minister to consider over again because after all there is no want of confidence in the Food Inspector, that when he makes an entry he is asked to observe the rules of the Code of Criminal Procedure. There is no question of want of confidence when he is asked to take the sample in the presence of two witnesses. After all, the two witnesses who can be available at the time of entry and at the time of inspection can also be available at the time of taking the samples. This is a safeguard and a a very necessary safeguard. It might be that the operation of the Bill might be rather unsatisfactory, in the absence of a provision like this. There are other Acts in which such provisions do exist. I can refer to the Bengal Act in which the sample has to be taken in the presence of two witnesses and in the presence of the person against whom action is being taken. It might be that the value involved might be very great and the vendor may object if it is not taken before witnesses. I would ask the Minister to look into this point.

Shri S. S. More: May I sumbit that the presence of two witnesses will be a protection and safeguard to the Food Inspector himself because it would be very difficult for the vendor to say that not only the Food Inspector but the *panches* are falsely deposing against him? We are providing sufficient protection to the Food Inspector but the Minister is interpreting it as our distrust.

Rajkumari Amrit Kaur: I want to give sufficient protection to the vendor as well as the Food Inspector as far as possible. Supposing the Food Inspector is not able to procure two witnesses what is he to do?

Mr. Chairman: You have already provided for that—'as far as possible'.

Shri S. S. More: Even in amendment No. 137 it is so.

Mr. Chairman: When samples are taken, it is more than likely that the witnesses are available. I will put the amendment to the vote of the House.

Shri S. S. More: Please give some time to the hon. Minister to make up her mind.

Mr. Chairman: If the hon. Minister wants to consult officials, I will give her time to consult them.

Rajkumari Amrit Kaur: I would like to consult my law officers.

Mr. Chairman: Then I will hold it over.

We will proceed to amendment No. 27 in the list No. 2. Mr. Narayan Das is not here. Shri Hem Raj's amendment (No. 60) has already been moved.

Rajkumari Amrit Kaur: Mr. Chairman, if the general sense of the House is that there should be witnesses, I will accept the amendment.

Mr. Chairman: I think the amendment of Shri Hem Raj is one which is in consonance with the principles given in the Code of Criminal Procedure. That is, two respectable citizens of the locality.

Rajkumari Amrit Kaur: I would object to the language two 'respectable' witnesses. I do not understand it.

Shri S. S. More: May I make a suggestion? Mr. Gurupadaswamy's amendment is better.

Mr. Chairman: The emphasis is not on 'responsible' but on 'locality'.

Shri S. S. More: May I point out that even if it is made 'locality' in this particular section, under section 103 of the Criminal Procedure Code it has been held by the High Courts that it is not very relevant?

Mr. Chairman: The High Court has held that 'locality' does not mean that they must be of the particular locality. That is the interpretation of the High Courts and it is helpful. Otherwise, it is open to the accused to come forward with the plea that the Food Inspectors have their own henchmen and so on. Therefore, the word 'locality' is important and not the word 'respectable'. Every person is respectable in India.

Rajkumari Amrit Kaur: Might I suggest that the amendment be recast by me with the assistance of the Law Officers?

Mr. Chairman: Yes, the amendment may be recast by the hon. Minister with the help of her department and then I will put it to vote.

Let us take amendment No. 61.

Shri Hem Raj: I beg to move:

In page 7, line 42, *after* "food inspector" *insert* "or public analyst".

सभापति महोदय, जिस समय यह बिल सेलेक्ट कमेटी के पास गया तो उस में जो इस का क्लाज भी है वह जोड़ दिया गया, और गालिबन इस का मतलब यही है कि अगर कोई इन्स्पेक्टर किसी को दीदा दानिस्ता तौर पर तंग करे तो उसके ऊपर जुर्माना हो सकता है। इसी तरह से जो फूड इन्स्पेक्टर हैं वह भी बेईमानी कर सकते हैं। साथ ही एनालिस्टों के दरम्यान भी, जैसा कि आप ने भी अपनी तकरीर में फरमाया था, ऐसे ही हालात चल रहे हैं, उन में भी बड़ी बेईमानी है। इस लिये मैं समझता हूं कि पब्लिक एनालिस्ट का भी नाम फूड इन्स्पेक्टर्स के बाद जोड़ दिया जाय तो ज्यादा मौजूं होगा।

Rajkumari Amrit Kaur: You cannot make the Public Analyst, whose functions are different from those of the Food Inspector, to do the work of the Food Inspector. I am sorry I cannot accept this amendment.

Mr. Chairman: Do I understand that the amendment is not pressed?

Shri Hem Raj: Not pressing, Sir.

Mr. Chairman: The next is amendment No. 98 in List No. 4.

Shri Raghavachari: I beg to move:

In page 8, line 2, *for* "execution" *substitute* 'due discharge'.

I am referring to page 8 of the Report where you will find the words "any other act to the injury of any person without having reason to believe that such act is necessary for the execution of his duty..." Instead of the word 'execution', I suggest the use of the words 'due discharge', which is the language used in criminal proceedings.

Rajkumari Amrit Kaur: I think 'execution of his duty' is also a correct expression and there is no difference between the two.

Mr. Chairman: May I take that the hon. Member does not wish to press his amendment?

Shri Raghavachari: Not pressing.

Mr. Chairman: Amendment No. 28. Shri Shree Narayan Das is not present here. Amendment No. 62.

Shri Mulchand Dube (Farrukhabad Distt.—North): I beg to move:

> In page 8, *after* line 5, *insert*—
>
> "*Explanation.*—The taking of the sample for analysis shall not be deemed to be an act to the injury of any person."

My submission is that clause (8) should be altogether omitted. It reads as follows:

> "Any food inspector exercising powers under this Act or under the rules made thereunder who—
>
> (a) vexatiously and without any reasonable grounds of suspicion seizes any article of food; or
>
> (b) commits any other act to the injury of any person without having reason to believe that such act is necessary for the execution of his duty shall be guilty of any offence under this Act and shall be punishable for such offence with fine which may extend to five hundred rupees."

Mr. Chairman: May I just request the hon. Member to realise that the taking of a sample is an act which is provided by the Bill itself and it is a very lawful act which is empowered by the Bill. How can it be taken as an act of injury?

Shri Mulchand Dube: This sub-clause should be deleted altogether. I oppose it and in the alternative I suggest this amendment.

Mr. Chairman: When the clause comes, the hon. Member may or may not oppose, but so far as this amendment is concerned, I think it is too obvious that the taking of a sample can never be regarded as an act of injury because this act is provided for by the Bill itself.

Shri Mulchand Dube: The question is: how is the Food Inspector, who is probably not an expert nor an analyst, to know whether he should or should not take a sample? My submission is that even the best expert or analyst cannot, by a mere look at the thing, find out whether it is adulterated or not. If you make this an offence, it will be impossible for any Food Inspector to execute his duties.

Mr. Chairman: This is not an offence at all. On the contrary, it is provided in the Bill as one of the duties of the Food Inspector.

Shri Mulchand Dube: The question is whether he is acting judiciously or not, and in a reasonable and legal manner or not.

Mr. Chairman: Perfectly legal.

Shri Mulchand Dube: That act of his is subject to question, for it can be said that he is acting in an unreasonable manner.

Mr. Chairman: May I request the hon. Member to kindly read section 10, where it says "vexatiously and without any reasonable grounds of suspicion..." The mere taking of a sample which is authorised by section 10, can, in no circumstances, be regarded as an act of injury to any person.

Shri Mulchand Dube: The sub-clause says "vexatiously and without any reasonable grounds of suspicion". Now the question is whether he is acting vexatiously or not. The Food

[Shri Mul Chand Dube]

Inspector is not an expert, and not even an expert can find out by a mere look at the thing whether it is adulterated or not. There are many things in which it is impossible for any Food Inspector, for the matter of that, to find out whether a thing is adulterated or not. There must be reasonable grounds for him to suspect. The question is: how is he to suspect? It will be impossible for the Food Inspector to do any work whatsoever. I can understand that the intention is to protect the ordinary shops-keeper and that is perfectly right, but in regard to the extensive prevalence of the act of adulteration, I think we can take some risks in the matter.

Mr. Chairman: Amendment moved:

In page 8, *after* line 5, *insert*—

> "*Explanation.*—The taking of the sample for analysis shall not be deemed to be an act to the injury of any person."

Shri C. R. Narasimhan (Krishnagiri): Vexatious acts of officers should be guarded against and I think similar expressions exist in the Excise Act.

Shri U. M. Trivedi (Chittor): I see very great force in the suggestion made in this amendment. Notwithstanding the fact that now-a-days we are making every effort to see that lawyers should not be there to interfere with any of the proceedings of the executive, the lawyers do remain part and parcel of the administration. The matter that will arise is that a man can very easily suggest that his reputation is affected by the fact that a Food Inspector did reach his place and obtain a sample in the presence of so many witnesses and that a publication was made in the Press that a sample was seized at the shop of such and such person. That will affect the reputation of the man and his sales might be affected. So, it will cause an injury to him. Therefore, it is very reasonable and also in the interests of the Food Inspector that such a provision must be made. As it is at present, it will become increasingly difficult for the Food Inspector to do his work. There may be a reasonable suspicion, but then these are merely acts of the mind or mental acts, and a *bona fide* inspector will be handicapped in the performance of his duties which are laid upon him by section 10, because he will always be afraid that it will get him in the neck if by some chance he finds that he ought not to have taken the sample from such and such or from the possession of such and such. Under those circumstances, the hon. Minister would agree that the 'explanation' which is desired to be put in by Mr. Mulchand Dube is very innocuous and will be helpful to the Inspector as such, and so it may be accepted.

Shri Dabhi (Kaira North): I think there is some misapprehension with regard to the interpretation of sub-clause (8) of clause 10. Sub-clause (8) reads:

> "Any food inspector exercising powers under this Act or under the rules made thereunder who—
>
> (a) vexatiously and without any reasonable grounds of suspicion seizes any article of food;"

"Seizing" of an article of food does not mean taking of samples. The House will see that the food inspectors are authorised to seize certain articles when they have suspicion. Ordinarily, taking of samples would not mean seizing of that article. Therefore, I am of opinion that it is not necessary to incorporate this amendment.

Pandit Munishwar Datt Upadhyay (Pratapgarh Distt.—East): My hon. friend, Shri Dabhi has misconceived the issue under discussion. We are discussing sub-clause (b) and I think the apprehension of Mr. Dube is justified, because it can easily be said that one of the duties of the inspector is to take samples. When he takes such samples he may be acting *bona fide*; still, the suspicion in his mind may be incorrect and later on, on analysis, it may be found that there was no adulteration. In that case it may be claimed that he has vexatiously exercised his duties.

Mr. Chairman: The words in the clause are "without having reason to believe".

Pandit Munishwar Datt Upadhyay: But how is it to be proved? What is the harm in putting this explanation here. I think that explanation will in fact make the position of the inspector safe. I feel that the apprehension which is in the mind of Mr. Dube is justified and the explanation is likely to serve a useful purpose.

Mr. Chairman: Is it the hon. Member's contention that even if an inspector had no reason whatever to suspect anything, he may take a sample?

Pandit Munishwar Datt Upadhyay: No.

Rajkumari Amrit Kaur: Sir, I do not think there is any need for this amendment. We have in clause 22 made provision for protection of action taken in good faith. The words "vexatiously and without any reasonable grounds of suspicion seizes any article of food" in sub-clause (8) of clause 10 provides adequate protection to the public. If we do not allow the Food Inspectors to take samples of articles of food, what are they there for? How can it do any injury to any person if the inspector takes samples. I do not think there is any need for this amendment and I am not willing to accept it.

The amendment was, by leave, withdrawn.

Shri N. S. Jain (Bijnor Distt.—South): I beg to move:

In pages 7 and 8, *omit* lines 42 to 45 and lines 1 to 5 respectively.

मेरा यह संशोधन है कि सब-क्लाज ८ को जिसमें फूड इंस्पेक्टर के लिए यह रखा गया है कि अगर वह कोई गलत काम करे तो उस पर ५०० रुपये जुरमाना हो सकता है, इसमें से निकाल दिया जाय । मेरी कुछ समझ में नहीं आया कि यह क्यों रखा गया है । इस कानून की दफा २२ में लिखा हुआ है :

> "No suit, prosecution or other legeal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act."

यह जो दफा २२ है इस तरह की दफा करीब करीब हर कानून में होती है और वैसी ही इसमें भी है । लेकिन जो यह सब-क्लाज ८ रखा गया है दफा १० का, मेरे ख्याल में और कानूनों में इस तरीके से नहीं रखा गया है । इंडियन पिनल कोड है, क्रिमिनल प्रोसीड्योर कोड है, जिनमें सब इंस्पेक्टर को बहुत से अख्तियार हैं, गिरफ्तारी के, तलाशी के, माल के पकड़ने के, लेकिन उसमें मुझ को कोई ऐसी दफा नजर नहीं आयी जैसी कि इसमें रखने की कोशिश की गयी है, और उसका कारण है । कारण यह है कि जो सरकारी मुलाजिम होता है उसकी कुछ जिम्मेदारियां होती हैं और उसके कुछ अधिकार होते हैं । वह अधिकार तो इस कानून में साफ साफ बतलाये जाते हैं और उनके ऊपर जो हुदूद लगाये जाते हैं वह भी हर कानून में बतलाये जाते हैं । लेकिन अगर कोई उस कानून के खिलाफ काम करता है तो वह बिल्कुल उसी तरीके से जैसे कोई दूसरा शख्स गलत काम करे, उस बात का मुजरिम होता है और उस बात की सजा का मुस्तहक होता है । इसलिए इस क्लाज को यहां लाकर कोई नई बात नहीं की गयी । अगर फूड इंस्पेक्टर कोई बेईमानी करता है या किसी को दिक करता है तो कुदरतन उसके लिए कोई सजा कानून में आ ही जायगी । लेकिन इसको रखने से एक बात जरूर हो जायगी, और वह यह कि कोई भी इंस्पेक्टर जो अपनी नौकरी पर कायम रहना चाहता है और अपनी इज्जत को कायम रखना चाहता है वह इस बात में हाथ नहीं डालेगा जिससे कि वह किसी न किसी कानून का शिकार हो जाय । आप इस बात को

[Shri N. S. Jain]

देखिये कि अदालत में मुकदमा लाना तो बड़ा आसान है लेकिन जिस आदमी को कि मुकदमा बचाना पड़ता है उसकी क्या हालत होती है इसको या तो वह आदमी जानता है या वकील जानते हैं जिनके पास बड़े से बड़े आदमी आते हैं और जिनको उनकी हालत देखने का मौका मिलता है। ऐसी सूरत में यह कानून के अन्दर एक हैंडिल दे देना है, एक प्रोत्साहन दे देना है और यह कुछ ज्यादा मुनासिब नहीं मालूम होता। मैं यह पूछना चाहता हूं कि अगर सब-क्लाज ८ को निकाल दिया जाय तो क्या नतीजा होगा ? क्या अगर फूड इंस्पेक्टर साहब कोई ऐसा काम करेंगे जो कि सब-क्लाज ८ में लिखा है तो उन पर मुकदमा नहीं चल सकेगा।

Shri Tek Chand: No

श्री एन० एस० जैन : जरूर चल सकेगा। कोई वजह नहीं कि न चल सके। जब तक वह अपनी गुड फेथ नहीं दिखलाता जरूर चल सकता है और मैं अर्ज करूंगा कि मैं ने सब इंस्पेक्टरों पर ऐसे मुकदमे चलाये हैं कि जिन्होंने गलत तलाशियां लीं। यह तो रही कानूनी बात और इस पर भी मैं बात कर सकता हूं। लेकिन मैं यह अर्ज करना चाहता हूं कि इसको अगर इस तरीके से रख दिया जाय कि जिस तरीके से रखा गया है तो वह एक प्रोत्साहन देना है उस शख्स को कि जो उस इंस्पेक्टर से कोई अपनी रंजिश रखता हो। एक मसल है कि अगर मरेगा नहीं तो कम से कम मरे के बराबर तो हो जायगा। अगर उसके ऊपर मुकदमा चलाने का इस तरह से प्रोत्साहन दे दिया जायगा तो इंस्पेक्टर को मुकदमा बचाने में इतना खर्चा करना होगा कि वह दुबारा ऐसा काम करने की हिम्मत ही नहीं करेगा। मैं मंत्रिणी महोदया की इस तरफ तवज्जह दिलाना चाहता हूं कि इस बात को सोच लें कि आया वह यह मुनासिब समझती हैं कि जब वह इंस्पेक्टर को ऐसा काम दे रही हैं जिसमें उसे बहुत बड़े बड़े आदमियों के खिलाफ काम करना पड़ेगा, बहुत बाअसर आदमियों के खिलाफ काम करना पड़ेगा तो ऐसी सूरत में इस किस्म का प्रोत्साहन दिया जाय। अगर इस किस्म का प्रोत्साहन इस कानून में दिया जायगा तो मेरा ख्याल है कि उनकी इस चीज को कामयाब करने में मदद नहीं करेगा।

Mr. Chairman: Amendment moved:

In pages 7 and 8, *omit* lines 42 to 45 and lines 1 to 5 respectively.

Shri C. R. Narasimhan: I strongly oppose the move to delete the clause. The fears are very vague. Similar provisions exist in the Central Excise Act and that Act is functioning quite well. Any prosecution that may be launched, as he fears, against good officers cannot be launched because prosecutions under the Act have to be done only after obtaining consent from certain authorities and the prosecution can start when the State Government or the local authority or other specified people consent to it. There are sections in this House which fear that such vast authorities for inspectors might lead to occasional harassment and that this has to be guarded against if the Act has to be worked successfully. Similar provision exists in the Madras Prohibition Act.

Shri Tek Chand: I wish to oppose amendment No. 141 and I am for the retention of sub-clause (8) to clause 10. If my hon. friend had taken the trouble to examine the provisions of clause 20, his purpose would have been served. For instance, clause 20 says: "No prosecution for an offence under this Act shall be instituted except by, or with the written consent of, the State Government or a local authority or a person authorised on this behalf by the State Government or a local authority." Now the position is this. Let us assume that a false allegation is made against the Food Inspector that

he is in the habit of vexing people, and without reasonable grounds of suspicion he keeps on seizing articles of food. But before he finds himself on the wrong side of law, that is in the dock, as if it were, there will be a proper scrutiny on the part of the State Government or on the part of the local authority or even on the part of the competent delegate of a local authority or of the State Government. That will, by itself, be more than an adequate safeguard to ensure that people do not lightly launch prosecutions against innocent Food Inspectors against whom they may have a grouse.

So far as provisions of clause 22 are concerned it has, I must submit with deference, nothing whatever to do with the matter. It merely protects a person who has taken action in good faith but so far as sub-clause (8) is concerned, it is providing a substantive offence. That is to say, it says to the Food Inspector: if you keep on vexing or harassing innocent people and if you have no reasons or grounds of suspicion when you are seizing the articles this is the consequence and that point is being endorsed when sanction is being granted by the State or local authority. It is important to remember that the citizen very often can be harassed by a person who wields considerable power to do mischief, to harass and to cause vexation. It is not that Food Inspectors, when they see this particular clause would say: "All right; no persecution because we may be confronted with a prosecution". That is not the point. It is likely that they are not going to be prosecuted. It is only when they start vexing people and the *prima facie* proof of vexation will be only after he habitually starts harassing a particular individual. Under these circumstances, I submit that the retention of the provisions of sub-clause (8) is absolutely imperative.

Rajkumari Amrit Kaur: I oppose this amendment because I must try to protect innocent people.

Mr. Chairman: Does the hon. Member desire this to be put to the vote of the House?

Shri N. S. Jain: I beg to withdraw it.

The amendment was, by leave, withdrawn.

Mr. Chairman: I have got notice of another amendment by the hon. Minister which reads thus:

In page 7, *after* line 37, *insert*—

> "6(a). Where a food inspector takes any action under Sub-section (1), Sub-section (2), Sub-section (4), Sub-section (5) or Sub-section (6), he shall, as far as may be possible, take the signature of not less than two witnesses."

On this point there are three amendments before the House: one by Shri Gurupadaswamy, the second by Shri Hem Raj and the third by the hon. Minister. I put all of them, one by one, to the vote of the House.

Shri N. S. Jain: On a point of clarification, what do we mean by taking signatures? The signatures can be taken afterwards or they can be taken before, though it might mean that action must be taken in the presence of two witnesses. But, 'take the signature' of some witnesses—these are words which carry no meaning whatsoever.

Shri Dabhi: On a point of explanation, is it intended that ordinarily signatures of more than two witnesses should be taken? It is stated here that 'not less than two' shall be taken but ordinarily signatures of only two witnesses are taken.

Mr. Chairman: The intention perhaps is that the two persons must be present at the time when the whole thing is done and they affix their signatures in order to show that it was done in their presence. So far as the words go, they are capable of this interpretation. But, as has been just

[Mr. Chairman]

pointed out, these signatures may be taken subsequent to the occurrence.

Shri C. R. Narasimhan: They are witnesses.

Mr. Chairman: The word does not mean 'eye-witnesses'. They want to know whether they should be present or they should be witnesses in the sense that their signatures may be taken.

Rajkumari Amrit Kaur: I have no objection to accept in the 'presence of' I had actually taken the words of Shri Gurupadaswamy's amendment.

Mr. Chairman: This Shri Gurupadaswamy's amendment is not the last word on the subject. It may be put in such a way that, so far as the interpretation is concerned, it could not be interpreted differently.

Shri S. S. More: May I bring to your notice that instead of copying Mr. Gurupadaswamy's amendment, it would be much better to copy the Criminal Procedure Code, section 103 which reads: 'Before making a search under this chapter, the officer or other person about to make it, shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness and may issue an order in writing to them or any of them to do so.'

Mr. Chairman: The intention is that they must be present; there is no doubt about it. I would request the hon. Minister to kindly recast it. I shall proceed to the next clause and when the amendment is available, we can consider it.

Shri S. S. More: I am prepared to go to the extent that the Food Inspector should be authorised to command the presence of two witnesses if they refuse; then, "as far as possible" can be knocked out.

Rajkumari Amrit Kaur: I should leave "as far as possible".

Mr. Chairman: The provisions of the Criminal Procedure Code are there; if the hon. Minister had chosen not to utilise them it is for good reasons; as they have chosen to insert the words 'as far as possible'......

Shri S. S. More: We will have to give reasons as to why a particular provision prescribed by law is not applied; the officers should give reasons.

Mr. Chairman: Unfortunately, it is not for me to just advise the Ministry to accept particular words. I am here only to see that the will of the House is effectuated. If an amendment is proposed, I will allow the amendment. We will revert to clause 10 subsequently.

Clause 11.—(*Procedure to be followed by food inspectors*).

Mr. Chairman: We will now go to clause 11.

Shri S. V. Ramaswamy: I beg to move:

In page 8, line 13, *after* "permits" *insert* "in the presence of the owner".

I am moving this amendment only for the purpose of making it clear. You will be pleased to see that clause 11 provides that when a food inspector takes a sample of food for analysis, he shall "except in special cases provided by rules under this Act separate the sample then and there into three parts and mark and seal or fasten up each part in such a manner as its nature permits". I seek to add there "in the presence of the owner", so that it may be ensured that the whole thing is done in his presence.

Mr. Chairman: Suppose the owner is not present? I am only pointing out this difficulty. Suppose a shop is run by a representative of the owner. If the word "owner" is there, the man must first of all find out the owner and then call him and do what he wants to do. But if you make it all inclusive, then in the absence of the owner any person representing him will also be included.

Shri S. V. Ramaswamy: Owner or his representative.

Mr. Chairman: You cannot assume in law what is not there. This amendment will be of no use because if the owner is not there, what is to be done? The man has to stay his hands and go back. If the provision is to be complied with, the owner must be found. In order to make the provision reasonable, I would request the hon. Member to add some words to the amendment. Because, in the absence of the owner, difficulty may arise.

Shri S. V. Ramaswamy: I think I shall add after the word "owner" servant or agent. There must be somebody who must be there.

Mr. Chairman: If the owner is there, then "somebody' is not included.

Shri S. V. Ramaswamy: Cannot the Food Inspector go there and himself separate it into three? What is the guarantee that the offender knows it?

Mr. Chairman: It is only to show that there must be somebody there who is responsible on behalf of the owner. But if you put the word "owner" then it means that only the proprietor should be there.

Shri S. V. Ramaswamy: Sir, this is my difficulty. You may put it in whatever manner you think best.

Rajkumari Amrit Kaur: Under sub-clause (c) the Food Inspector has to deliver one of the parts to the person from whom the sample has been taken. Whether it is the owner, or the agent, or the servant, it is included there. I do not understand the idea of putting these words.

Shri S. V. Ramaswamy: I do not press my amendment.

Mr. Chairman: Then we proceed to the next amendment, No. 63.

Shri Hem Raj: I beg to move:

In page 8, line 13, *after* "permits" *insert* "and get the seal of the vendor and the signatures of two respectable witnesses of the locality on such samples".

The arguments which were advanced in respect of clause 10 apply on the same basis to this clause also. It is very essential, for the purpose of checking corruption, that these words should also be inserted here under clause 11. It will certainly check most of the corruption that is prevalent in the Food Department. This amendment will be of the same nature as is proposed to be made under clause 10.

Clause 10.— (*Powers of food inspectors*).—*contd.*

11 A.M.

Mr. Chairman: Before I proceed further, I consider it desirable to put the amendment to clause 10 first, because there are certain other amendments coming subsequently which deal with the same matter as the proposed amendment to clause 10.

This has been modified again and it reads thus:

In page 7, *after* line 37, *insert*:

> "(6A) Where the food inspector takes any action under clause (a) of sub-section (1), sub-section (2), sub-section (4) or sub-section (6), he shall, as far as may be possible, take the signatures of not less than two persons present at the time when such action is taken."

This is open to one objection. It says "take the signatures of not less than two persons present at the time when such action is taken". Suppose none is present? What was exactly wanted was that at least two persons

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should be present. But this amendment will mean that if no person is present, no signature need be taken.

Rajkumari Amrit Kaur: I do not think......

Mr. Chairman: There is no question of thinking. I would request the hon. Minister to consider the import of these words. If these words convey a different import, I will be very happy. But I am afraid what we are aiming to seare by this clause we are taking away by these words.

Rajkumari Amrit Kaur: You wanted it to be taken in the presence of two witnesses.

Mr. Chairman: I would suggest for the consideration of the hon. Minister that the provisions of section 103 etc. of the Criminal Procedure Code require that persons must be called if they are not present. It is absolutely necessary that these two persons must be present.

Rajkumari Amrit Kaur: We can say "who shall be called".

Mr. Chairman: Therefore I say that use of the words of section 103 of the Criminal Procedure Code, which is our basic law, is very necessary. Because this will be quite immune from all the defects which it will attract otherwise. The hon. Minister may consider the view of the House that two persons must be present.

Rajkumari Amrit Kaur: I have accepted two witnesses. If it is not clear, you can change it—"two witnesses called for the purpose".

Shri M. S. Gurupadaswamy: "In the presence of" will be better.

Shri S. S. More: And whose signatures shall be taken.

Mr. Chairman: I would like to change it thus:

> "...he shall call not less than two persons to be present at the time when such action is taken and take their signatures".

Now, there are three amendments. I will put one by one to the House. The first is by Shri M. S. Gurupadaswamy.

Shri M. S. Gurupadaswamy: In view of the amendment brought by the hon. Minister I wish to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Chairman: The next is the Government amendment which will read thus:

In page 7, *after* line 37, *insert*—

> "(6A) Where the food inspector takes any action under clause (a) of sub-section (1), sub-section (2), sub-section (4) or sub-section (6), he shall call not less than two persons to be present at the time when such action is taken and take their signatures."

Shri M. S. Gurupadaswamy: Is it an amendment to my amendment?

Mr. Chairman: This is a new amendment. I shall put it to the vote of the House.

Rajkumari Amrit Kaur: I suppose the words "as far as possible" are there.

Mr. Chairman: When you insist that two persons must be called, how can you say "as far as possible"?

Rajkumari Amrit Kaur: Suppose they are not available. I think the words "as far as possible" should be there.

Mr. Chairman: Then, "as far as possible" will go with the word "call".

Rajkumari Amrit Kaur: "As far as possible, call two witnesses" or "secure two witnesses"; I do not mind.

Shri Tek Chand: If you retain the words "as far as possible", the safeguard will disappear. Where articles of food are sold, are two persons not available at all? That will be the case only if the food inspector chooses to inspect at 3 A.M. The words "as far as possible" will take away the safeguard.

Shri C. R. Narasimhan: They may decline to come.

Rajkumari Amrit Kaur: I feel that the words "as far as possible" are very necessary.

Mr. Chairman: I put the amendment to the vote of the House as framed by the hon. Minister with the addition of the words "as far as possible".

The question is:

In page 7, *after* line 37, *insert*—

> "6(A) Where the food inspector takes any action under clause (a) of sub-section (1), sub-section (2), sub-section (4) or sub-section (6), he shall, as far as possible, call not less than two persons to be present at the time when such action is taken and take their signatures."

The motion was adopted.

Mr. Chairman: The question is:

"That clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clause 11.—(*Procedure to be followed by food inspectors.—contd.*)

Mr. Chairman: We were on amendment No. 63. These words: "and the signatures of two respectable witnesses of the locality on such samples" will go away because they are already there in clause 10. Amendment 63 will be revised as under:—

In page 8, line 13, *after* "permits" *insert* "and get the seal of the vendor".

श्री हेमराज : सभापति महोदय, जिस वक्त नमूना लिया जाता हैं उस वक्त इंस्पेक्टर उस पर अपनी मुहर लगा देता हैं और ले जाता हैं, पर कल को वह शख्स कह सकता हैं कि नमूना मुझ से नहीं लिया गया। लेकिन अगर उसी वक्त उस पर उस दुकानदार की मुहर लगवा दी जाय तो वह मुनकिर नहीं हो सकता। इस वास्ते मैं ने यह संशोधन दिया हैं कि जिस वक्त उससे नमूना लिया जावे उस वक्त उसकी मुहर लगवा दी जाय और दस्तखत करा लिये जांय ताकि वह इन्कार न कर सके कि यह चीज उससे बरामद नहीं हुई। इसलिए जब वह चीज ली जाय तो उसके दस्तखत लेना बहुत जरूरी हैं ताकि पेशबन्दी हो सके। यह जो संशोधन हैं यह बहुत हद तक इंस्पेक्टर के हाथों को मजबूत करने वाला हैं इसलिए मैं समझता हूं कि स्वास्थ्य मंत्रिणी जी इस संशोधन को मंजूर फरमावेंगी।

Mr. Chairman: Amendment moved:

In page 8, line 13, *after* "permits" *insert* "and get the seal of the vendor and the signatures of two respectable witnesses of the locality on such samples".

Shri S. S. More: May I bring to the notice of the House that there are two processes—taking up the sample is one process and inspection for that purpose is another process, which are covered by clause 10? Further taking the samples is one thing and then separating them into three bundles is another process as covered by clause 11 and it requires amendment by Government. It is not covered by this clause. I do not want to speak in instalments and hence regarding this

[Shri S. S. More]

amendment 63. Let us remove this 'and' between "and get the seal of the vendor" and "the signatures of two respectable witnesses of the locality on such samples".

If the vendor's seal is there, then further signatures of the witnesses will not be necessary.

Mr. Chairman: I understand that the hon. Member wants that the amendment adopted in clause 10 should also be adopted in clause 11.

Rajkumari Amrit Kaur: Supposing the vendor refuses to give his seal, the thing is unworkable. Every vendor has not got a seal and the owner may not have a seal. You want the signatures of two respectable witnesses. In any case the owner may have no seal and may refuse to give it if he has any and therefore I am not willing to accept the amendment.

Shri S. S. More: There are two points which we should consider. So far as clause 10 is concerned the words under item (1) are:

> "A food inspector shall have power......" and then in section (c) item (ii) of clause 11 you find that:

> "send another part for analysis to the public analyst".

Here in clause 11 the words are:

> "When a food inspector takes a sample of food for analysis ......".

so that the words are not the same.

Mr. Chairman: The sample may not be taken specifically for analysis. Therefore, so far as the amendment that has already been passed in regard to clause 10 is concerned, the same will not apply to clause 11, unless you specifically enact another amendment to that effect.

Rajkumari Amrit Kaur: There is no need either for the seal of the vendor or for his signature as these are unnecessary in view of the fact that a portion of the sample is going to be given to the vendor. Why do you want to seal anything or get the signature of witness?

Mr. Chairman: There are other grounds also.

Rajkumari Amrit Kaur: You cannot always provide for everything.

Shri Tek Chand: Now there are two aspects to this point and I find that I am in the unhappy position of finding that neither the amendment of my hon. friend is acceptable to me nor is the expression of opinion given by the hon. Minister. So far as the presence of two respectable witnesses is concerned, it is necessary for purposes of clause 10 as much as for purposes of clause 11 because the proceedings that take place are a sort of links in the chain of causation, that is to say, the inspector goes, he inspects the place, he takes the sample and then he divides that sample into three parts. Therefore, it is very necessary that, when these proceedings are going on and when one out of the three samples is to be given back to the vendor, at that time of the process, which can be very vital, the presence of two witnesses ought to be insisted upon. The Food Inspector cannot say to the witnesses, "very good, you have seen me entering, you have seen me taking possession, now you can go away when I am going to divide the article into three parts and seal it". Their presence is necessary at this time also.

Coming to my friend's amendment, I submit that it does not serve the purpose. If you read the amendment carefully, you will find that in certain cases, it is incapable of operation. He says, get the seal of the vendor and the signatures of two respectable witnesses of the locality, where? On such samples. If the sample is a liquid, you cannot take their signatures on the sample. If it is butter, you cannot have the signatures on the sample. If he had said, signatures on the recovery memo, that is understandable. Signatures are going to be on paper and not on the samples. If the sample is bottled, you could have the signatures on the bottle if possible. If you want to retain the language of my learned friend, you cannot have the signatures on the sample. That, I submit, is physically impossible. By all means have the signatures of the witnesses, but, have them on the recovery memo to be prepared by the Inspector at that time.

Mr. Chairman: I take it that the hon. Member is opposed to this amendment and wants something else to be done, of which he has not given any notice.

Shri Tek Chand: I am opposed to the second portion of the amendment. I say, get the seal of the vendor. That is understandable; but not signatures on the samples.

Mr. Chairman: I do not want to suggest anything. I am agreeable to give time if any time is needed. If the hon. Minister does not want to change it, no time is to be given.

Rajkumari Amrit Kaur: I want to impress upon the House that clause 11 is quite different. If you read clause 11, you will find that the food inspector has first to give notice of his intention to have the food analysed and then it is actually divided into three parts and one given to the vendor and so on. A question was raised as to what happens if the man refuses to receive it. There is provision for that in sub-clause (2). I do not see why we should require witnesses here. I think it would be very difficult and impracticable if, at every stage, the food inspector has to produce witnesses. I think you are going to nullify the powers of the food inspector by that. I am not willing to accept this amendment.

Mr. Chairman: The question is:

In page 8, line 13, *after* "permits" *insert* "and get the seal of the vendor and the signatures of two respectable witnesses of the locality on such sample".

The motion was negatived.

Shri S. V. Ramaswamy: I am not moving my amendment in view of the official amendment.

Mr. Chairman: Then, there is the hon. Minister's amendment.

Rajkumari Amrit Kaur: I beg to move:

In page 8, line 22, *after* "one of the parts" *insert*—

> "the food inspector shall send intimation to the public analyst of such declination and thereupon".

Shri S. S. More: Could we not substitute the word 'declination' by the word 'refusal'?

Rajkumari Amrit Kaur: I do not mind; I accept 'refusal'.

Mr. Chairman: The question is:

In page 8, line 22, *after* "one of the parts", *insert*—

> "the food inspector shall send intimation to the public analyst of such refusal and thereupon".

The motion was adopted.

Shri Raghavachari: My amendment has become now unnecessary.

Mr. Chairman: Shri S. N. Das is not present.

Shri S. V. Ramaswamy: I am not moving my amendment.

Rajkumari Amrit Kaur: There is a consequential amendment.

Amendment made:

In page 8, line 43, *for* "(5)" *substitute* "(4)".

—[*Rajkumari Amrit Kaur*]

Mr. Chairman: Shri Krishna Chandra: not moving.

Shri M. L. Agrawal (Pilibhit Distt. *cum* Bareilly Distt.—East): I have a verbal amendment. The word of' has to be omitted.

श्री एन० एस० जैन : सभापति जी, मेरी समझ में नहीं आता कि इस तरीके से दफा ११ में अमेंडमेंट किया गया है । दफा १० को तो मंजूर कर लिया गया है लेकिन दफा ११ को मंजूर करने में मंत्रिणी महोदया को ऐतराज है । दफा १० और ११ को अगर देखा जाय तो मैं अदब से अर्ज करूंगा कि उनकी ड्राफ्टिंग बहुत क्लम्जिली वर्डेड है । मैं साफ अर्ज कर दूं कि आप अगर दफा १० का मुलाहिजा करेंगे तो आप यह पायेंगे कि उसमें यह लिखा है । दफा १० के सब-क्लाज २ में ऐसा लिखा हुआ है :

> "Where any sample is taken under clause (a) of sub-section (1) or sub-section (2), its cost calculated at the rate at which the article is usually sold to the public shall be paid to the person from whom it is taken."

इसमें कीमत दिलाने की बात है और उसके पढ़ने से यह बात भी मालूम होती है कि यह जो सैम्पल्स लेंगे इंस्पेक्टर साहब वह कोई अपने खाने के लिये तो लेंगे नहीं, वह बहरहाल एनालिसिस के लिये ही लेंगे, लेकिन दफा ११ में यह जो कीमत देने वाली बात है यह कहीं नजर नहीं आती, यह मेरी समझ में नहीं आ रहा है कि दफा ११ में अगर इंसपेक्टर साहब उस सैम्पल को ले आयेंगे तब तो उनको पैसा नहीं देना पड़ेगा लेकिन दफा १० में उनको पैसा देना पड़ेगा, इसकी वजह मेरी समझ में नहीं आयी ।

दूसरी बात मुझे यह अर्ज करना है कि अगर दफा १० में यह जरूरत महसूस हुई कि ऐसा कोई प्राविजन रक्खा जाय कि वहां पर गवाहों के सामने वह सैम्पल लिया जाय तो क्या वजह है कि दफा ११ में वह जरूरत मंत्रिणी महोदया को नहीं मालूम होती क्योंकि आप देखिये कि जो कुछ भी बहस दफा १० में हुई कि अगर वह सैम्पल बाहर भेजा गया और वहां जाकर एडल्ट्रेटेड साबित हो गया और मुकदमा चला तो उसमें कैसे यह साबित होगा कि वाकई यह वही सैम्पल है । मैं नहीं समझता कि दफा ११ में जहां सैम्पल लिये जायेंगे और टेस्ट के वास्ते भेजे जायेंगे उसमें भी वही क्लाज क्यों न रक्खा जाय जो दफा १० में हमने अभी प्रोवाइड किया है । मैं निहायत अदब से अर्ज करूंगा कि मंत्रिणी महोदया जैसा कि उन्होंने दफा १० के अन्दर किया, अपने कानूनी सलाहकारों और विभागीय अफसरों से इस बारे में पूछेंगी और सलाह मशविरा करें कि इसमें उनको वह चीज रखने में क्या ऐतराज है, और मैं उम्मीद करता हूं कि अगर वह ऐसा करेंगी और थोड़ा समय और ध्यान इसके ऊपर देंगी तो जैसे उन्होंने दफा १० में मंजूर कर लिया था, यहां भी मंजूर कर लेंगी ।

Amendment made:

In page 8, line 45, *for* "the owner of" *substitute* "the owner".

—[*Shri M. L. Agrawal*]

Mr. Chairman: The question is:

"That Clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clause 12.—(*Purchaser may have food analysed*).

Dr. Rama Rao (Kakinada): I beg to move:

In page 9, line 16, *for* "shall" *substitute* "may".

Here, the intention of the clause is to allow any private individual to get food analysed by a public analyst on payment of the prescribed fee. I want

the citizens to have freedom to get it done without any fear of the vendors. I want the hon. Members to read this very closely. I will read the clause:

> "Nothing contained in this Act shall be held to prevent a purchaser of any article of food other than a food inspector from having such article analysed by the public analyst on payment of such fees as may be prescribed and from receiving from the public analyst a report of his analysis."

i.e., any citizen can pay for it and get the sample analysed. Now comes the trouble.

> "Provided that such purchaser shall inform the vendor at the time of purchase of his intention to have such article so analysed:"

Here comes the rub. It is too much to expect citizens to have so much of civic sense as to risk their life and means in getting this food analysed. I shall be satisfied if a few citizens take so much responsibility as to inform the authorities concerned that they have reasons to suspect that such and such food is adulterated, but here you make it obligatory upon the purchaser to inform the vendor that he is going to send it for analysis. Well, I doubt if any hon. Member goes to one of the busy markets in old Delhi and buys a sample of ghee and informs the vendor: "Look here, I am going to send this for analysis"—and of course, the vendor knows that it is adulterated—I do not think we will see that hon. Member the next day here in the House with his limbs intact. So, it is a very serious matter. So, unless you do not want any citizen to get the food analysed, you should accept this amendment. Of course, there are other amendments which ask for omission. My amendment is that instead of "shall" we may have "may". *i.e.*, if the purchaser wants, he may inform the vendor. Therefore, I request the hon. Member to accept my amendment and the other hon. Members to consider the reasonableness of my amendment.

Mr. Chairman: Amendment moved:

> In page 9, line 16, *for* "shall" *substitute* "may".

Shri Dabhi: I oppose the amendment moved by my friend, Dr. Rama Rao, because if anybody wants that the particular article of food which he has purchased should be analysed, then it is absolutely necessary that he must inform the vendor. If he is not able to take the risk, he should not venture to get the food analysed.

But, then, my difficulty is this. Suppose a man wants to buy an article of food because he suspects that it is adulterated, if he informs the person who sells the article that he wants to take the sample for the purpose of analysing it, then nobody would be prepared to sell. Therefore, my suggestion is that the words "at the time of purchase" are not necessary. They may be deleted. The purchaser may inform the vendor afterwards also in writing. If you say "at the time of purchase", then this clause itself would be practically of no use because no man in his senses, if he is selling adulterated food, would be prepared to sell it to the man who wants to get it analysed. Therefore, the hon. Minister may think of dropping these words.

Rajkumari Amrit Kaur: Would he suggest that instead of "at the time of purchase" "such purchaser shall inform the vendor immediately after the purchase of his intention to have such article so analysed"?

Shri Dabhi: I want to drop the words "at the time of purchase".

Mr. Chairman: We are not on the amendment of "at the time of purchase". There is no amendment to that effect. We are on the amendment of Dr. Rama Rao.

Rajkumari Amrit Kaur: As far as the word "shall" is concerned, I am afraid, I am not willing to substitute it by "may" because if it is substituted,

[Rajkumari Amrit Kaur]

it may lead to blackmail. If the information is optional, where is the need for a proviso? I think he must inform.

Shri Dabhi: What about my suggestion?

Mr. Chairman: There is no amendment.

Shri Dabhi: The Government can move an amendment.

Mr. Chairman: The Government can. The hon. Member has made the suggestion. It is for the hon. Minister to accept it or not. If they want, they can move an amendment of their own. But the hon. Member cannot insist that his suggestion must be considered and some action must be taken.

Dr. Rama Rao: May I ask for a clarification? Is it the intention of the Government to compel every citizen who wants to get a sample of food analysed to inform the vendor, *i.e.*, unless he does it, Government will not allow the sample to be analysed? Suppose, I want to send a sample of food for examination without any idea of prosecution or anything, is it impossible for him to get it analysed by the public analyst? That is what the proviso comes to.

Rajkumari Amrit Kaur: I do not think that that arises out of this clause, because this clause reads:

> "Nothing contained in this Act shall be held to prevent a purchaser of any article of food other than a food inspector from having such article analysed by the public analyst on payment of such fees as may be prescribed and from receiving from the public analyst a report of his analysis;".

May I also say that I am really defending what the Select Committee have said. In the original Bill this was not there. The Select Committee insisted on putting it in. They were very adamant about it.

Mr. Chairman: The question is:

In page 9, line 16, *for* "shall" *substitute* "may".

The motion was negatived.

Mr. Chairman: Now, I proceed to amendment No. 111. I understand there is another amendment No. 140. Am I to understand that the Government propose to move both?

Rajkumari Amrit Kaur: I move 140.

Mr. Chairman: Not 111?

Rajkumari Amrit Kaur: The latest one.

Amendment made:

In page 9, *after* line 17, *insert*—

> "Provided further that the provisions of sub-section (1), sub-section (2) and sub-section (3) of section 11, shall as far as may be, apply to a purchaser of article of food who intends to have such article so analysed, as they apply to a food inspector who takes a sample of food for analysis."

—[*Rajkumari Amrit Kaur*]

Mr. Chairman: The question is:

"That clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

Clause 13.—(*Report of public analyst*).

Shri Raghavachari: I beg to move:

In page 9, lines 28 and 29, *for* "a certificate" *substitute* "analysis".

Rajkumari Amrit Kaur: May I say I am substituting the word "also" for "further" in page 9, line 18.

Mr. Chairman: There are two amendments, Nos. 111 and 140. This forms part (ii) of amendment No. 111. I asked the hon. Minister whether she wanted to move No. 111 also, but she said she would prefer amendment No. 140.

Rajkumari Amrit Kaur: This is with regard to the second proviso to clause 12.

Mr. Chairman: But I have not got the amendment here.

Rajkumari Amrit Kaur: It should have been there.

Mr. Chairman: What is the number of the amendment? There was one amendment, *i.e.*, part (ii) of amendment No. 111. This amendment may now be moved in the third reading.

Rajkumari Amrit Kaur: This was only to substitute the word 'also in place of 'further' in page 9, line 18.

Mr. Chairman: This was included in amendment No. 111.

Rajkumari Amrit Kaur: I am very sorry it was missed. But it does not matter.

Mr. Chairman: The hon. Minister may remember it, and move it at the third reading.

Now, we are in clause 13. Amendment No. 112 has been moved by Shri Raghavachari. I shall place it before the House.

Amendment moved:

In page 9, lines 28 and 29, *for* "a certificate" *substitute* "analysis".

Shri Raghavachari: The point is this. Clause 13 (2) reads:

> "After the institution of a prosecution under this Act the accused vendor or the complainant may, on payment of the prescribed fee, make an application to the court for sending the part of the sample mentioned in sub-clause (i) or sub-clause (iii) of clause (c) of sub-section (1) of section 11 to the Director of the Central Food Laboratory for a certificate; and on receipt of the application the court shall first ascertain that the mark and seal or fastening as provided in clause (b) of sub-section (1) of section 11 are intact and may then despatch the part of the sample under its own seal to the Director of the Central Food Laboratory who shall thereupon send a certificate to the court in the prescribed form within one month from the date of receipt of the sample, specifying the result of his analysis."

So, first, it is analysis, and then only a certificate is given. The accused vendor or the complainant is not sending it for a certificate in the first instance; he is sending it only for analysis. So, I want the word 'certificate' to be substituted by the word 'analysis'. Later, the certificate will follow. We do not send a thing for a certificate, we send it only for analysis in the first instance.

Rajkumari Amrit Kaur: May I explain the position? The certificate is given by the Director of the Central Food Laboratory, whereas a report of the analysis is given by the public analyst. This distinctive nomenclature has been maintained throughout the Bill, so that it is perfectly clear as to what is intended.

Shri Raghavachari: Even the other gentleman gives a certificate only after analysis. The article must be sent for analysis first.

Mr. Chairman: It is more or less a formal thing, because the subsequent portions of this clause say that it shall first be analysis, and then a certificate shall be given. So, it cannot be said that it is being sent for analysis or for a certificate only, because the analysis must be performed first, before a certificate can be given.

Shri Raghavachari: My submission is that sub-clause (2) of clause 13 itself clearly states that the certificate will follow. So, what is sent is for analysis only; later comes the certificate.

Mr. Chairman: Does the hon. Member want his amendment to be put to the vote of the House?

Shri Raghavachari: Yes.

Mr. Chairman: The question is:

In page 9, lines 28 and 29, *for* "a certificate" *substitute* "analysis".

The motion was negatived.

Mr. Chairman: There is amendment No. 113 in the name of Shri Krishna Chandra. The hon. Member is absent. So, I shall put clause 13 to the vote of the House.

The question is:

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clauses 14 and 15 were also added to the Bill.

Clause 16.— (*Penalties*).

Shri Raghavachari: I beg to move:

In page 10, line 28, *omit* "other".

I submit that the word 'other' may be omitted in page 10, line 28, because it has no purpose. The wording in the clause is as follows:

> "If any person, whether by himself or by any person on his behalf..."

If the word 'other' is omitted, it will read:

> "If any person, whether by himself or by any person on his behalf.........".

Mr. Chairman: Amendment moved:

In page 10, line 28, *omit* "other".

If somebody acts on behalf of some person, then he must necessarily be somebody other than that person. That is quite clear. So, the word 'other' may be eliminated.

Rajkumari Amrit Kaur: I have no objection if it is eliminated.

Mr. Chairman: The question is:

In page 10, line 28, *omit* "other".

The motion was adopted.

Shri M. L. Agrawal: I beg to move:

In page 10, *omit* lines 42 to 45.

Sub-clause 1(f) of clause 16 reads:

> "If any person....uses any report or certificate of a test or analysis made by the Director of the Central Food Laboratory, or by a public analyst or any extract thereof for the purpose of advertising any article of food, or".

By my amendment, I wish to delete this portion, because I do not see any reason why a vendor who gets such a certificate of not having adulterated food should be penalised in case he wants to use that certificate. On the other hand, I think that if this sub-clause is removed, it will give an incentive to vendors generally to sell unadulterated articles, and procure certificates for their merchandise which are taken samples of and sent to the analyst. But if this subclause remains, it will have a harmful effect.

At the same time, I do not consider that using a certificate or a report should be considered such a serious offence as to warrant the high penalties that have been provided for in this clause.

For these reasons, I want that subclause 1(f) of clause 16 should be removed.

Rajkumari Amrit Kaur: This subclause was introduced by the Select Committee with the intention of punishing persons who use such reports or certificates of analysis for the purposes of advertisement, or in other words, to boost their trade in an unfair manner. I think this is a wholesome check, and I would, therefore, like this sub-clause to remain.

Mr. Chairman: Does the hon. Member want his amendment to be put before the House?

Shri M. L. Agrawal: I am not pressing it.

Shri Dabhi: I beg to move:

In page 10, line 44, *after* "thereof" *insert* "or any other official report or declaration".

Sub-clause 1(f) of clause 16 reads:

> "If any person...uses any report or certificate of a test or analysis made by the Director of the Central Food Laboratory, or by a public analyst or any extract thereof for the purpose of advertising any article of food, or".

The intention of this sub-clause is to prohibit the use of certain certificates of analysis given by the Director of the Central Food Laboratory, etc.

You will see that it is desirable that not only should these people not use such certificates, but they should not use certain officials announcements by Ministers etc. I shall give you one instance. I am reading from the *Vanaspati* Manufacturers' Association of India's advertisement. The heading is: "*Vanaspati* a healthy food", 'Food Minister's Declaration', 'Experiments establish *Vanaspati's* merits'. Then it continues:

> "...On 8th December 1949. the hon. Shri Jairamdas Daulatram, Minister for Food and Agriculture, read out the report before Parliament. The salient features of this report are....that results proved conclusively that *vanaspati* is nutritive and wholesome......"

In fact in the report itself and in the announcement that the hon. Minister made on the floor of the House, it was never said that '*vanaspati* was wholesome'. He merely stated that '*vanaspati* of melting point 37 degrees Centigrade has no harmful effect as compared with the raw groundnut oil'.

Then again another advertisement says: "*Vanaspati* is healthful—Bombay Health Minister's Assurance...."

So my submission is that if these people should not be allowed to make use of certificates mentioned in (f), they should also, for greater reasons, not be allowed to use for their advertisement purposes any official declarations of Ministers and other officials. So the intention of my amendment No. 35 is clear and I hope there would be no difficulty in accepting it.

Mr. Chairman: Amendment moved:

In page 10, line 44, *after* "thereof" *insert* "or any other official report or declaration".

Rajkumari Amrit Kaur: If you would look into sub-clause (f) of clause 16, it refers only to any report or certificate of a test or analysis. It was not our intention to prevent *bona fide* use of official reports which are public property, or declarations by producers or manufacturers. Therefore, the amendment is really beyond the scope. If the mover of the amendment would like me to include in sub-clause (f) 'official reports and declarations' relating to such test or analysis, I would accept that—if he wants to make it wider—but not just 'official reports or declarations' because that would be far too inclusive.

Mr. Chairman: That is not the intention of the amendment. The words are 'or any other official report or declaration'. So it is not with regard to analysis.

Rajkumari Amrit Kaur: Therefore I must relate it to the test or analysis; otherwise, it would not be suitable to have it.

Mr. Chairman: I take it that the hon. Member wants to press it.

Shri Dabhi: Yes.

Mr. Chairman: The question is:

In page 10, line 44, *after* "thereof" *insert* "or any other official report or declaration".

The motion was negatived.

Mr. Chairman: Now we proceed to amendment No. 36 in list No. 2.

Shri Dabhi: I beg to move:

In page 11, line 2, *omit* "in writing".

This refers to sub-clause (g) of clause 16. It says:

> "If any person whether by himself or by any person on his behalf gives to the purchaser a false warranty in writing in respect of any article of food sold by him, he shall...be punishable ......"

Now, I do not understand why it is necessary to put in the words "in writing". Ordinarily, such false warranties are given orally. They say: "Oh, this is an excellent article. This is pure *ghee*. You must buy". There may be certain witnesses at that time; so it can be proved afterwards. So in such cases, when such adulterated articles are sold by merely saying "I assure you that this is an excellent article", I do not know why it should be necessary to say "in writing"; I think it is not at all necessary.

Rajkumari Amrit Kaur: I think the word 'punishable' is the right legal phraseology, and it means that he can be punished. So I suggest that we leave it as it is.

Mr. Chairman: Do I take it that the hon. Member does not want to press it?

Shri Dabhi: I do not know why the words "in writing" should be there....

Mr. Chairman: I only want to know from him whether he wants it to be put to the House.

Shri Dabhi: Yes.

Shri A. M. Thomas (Ernakulam): The hon. Minister answered with regard to amendment No. 37, whereas the amendment moved was No. 36.

Mr. Chairman: Excuse me; she has answered amendment No. 36. The words are 'in writing'....

Rajkumari Amrit Kaur: I thought it was amendment No. 37.

Mr. Chairman: Amendment No. 37 reads like this......

Shri A. M. Thomas: But it was not moved.

Mr. Chairman: Amendment No. 36 in List No. 2 runs thus: In page 11, line 2, *omit*, "in writing".

Rajkumari Amrit Kaur: I want that it must be in writing.

Mr. Chairman: This is exactly what the hon. Minister said. I do not know how Mr. Thomas interfered in this.

Shri A. M. Thomas: Amendment No. 37 was never moved, and amendment No. 36 was not replied to.

Mr. Chairman: It was replied to. The question is:

In page 11, line 2, *omit* "in writing".

The motion was negatived.

Shri Dabhi: I beg to move:,

In page 11, line 5—*for* "punishable" *substitute* "punished".

I want to explain my reasons why I want the word 'punished' for the word 'punishable'. By comparison of the original Bill with the Bill as it has emerged from the Select Committee, it is clear that the intention of the Select Committee is that the man who commits second and further offences should be heavily punished, not only punished with fine or imprisonment but punished both with fine and with imprisonment. Not only that but a minimum punishment is also provided in clause 16.

Now, the reason why I want this amendment is this. There was a similar provision in a Bombay Act. Exactly the same; I would read it for the information of the House.

Mr. Chairman: On a previous occasion also the hon. Member brought to the notice of the House those rulings in which the word 'punished' has been considered better than 'punishable'. Are they the same rulings which the hon. Member is now referring to?

Shri Dabhi: I am bringing it to the notice of the hon. Members so that they may be convinced. I quote authorities, not my own words.

Mr. Chairman: Authority was quoted then also.

Shri Dabhi: Section 43 of the Bombay Abkari Act of 1878, as amended by Bombay Act 39 of 1947, reads as under:—

> "Whoever...does any particular act shall on conviction be punishable for the first offence with imprisonment for a term which may extend to six months and with fine which may extend to Rs. 1,000.
>
> Provided that in the absence of special reasons to the contrary to be mentioned in the judgment of the court, such imprisonment shall not be less than three months and fine shall not be less than Rs. 500."

If you compare this with the present clause which I want to amend, you will see that practically the same wording is borrowed from the Abkari Act.

Mr. Chairman: In the present clause the words are not the same. The words are:—

> "for the first offence, with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees;"

Shri Dabhi: For the first offence there is a different thing. I have read that for comparison of the word 'punishable'. Here it is said:

> "for a second offence with imprisonment for a term which may extend to two years and with fine:
>
> Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such imprisonment shall not be less than one year and such fine shall not be less than two thousand rupees."

Unless there are certain special reasons the minimum punishment should be inflicted both with fine and imprisonment. The only difference is that in the Abkari Act, for the first offence also there was the minimum punishment provided. But the interpretation would be the same.

In a particular case, one magistrate, in spite of the provision for minimum punishment with both fine and imprisonment inflicted only the punishment of fine. It came to the High Court of Bombay. I will read from the decision of the High Court which is quoted in the *All India Reporter* 1949 Bombay 41. It was a Full Bench decision and this is how their Lordships interpreted the word 'punishable'.

They say:

> "The word 'punishable' imports discretion and it is left to the discretion of the court, to impose a sentence of imprisonment or a sentence of fine or both and the words 'such imprisonment and fine' occurring in the proviso also indicate that the sentence is left to the discretion of the court. It is not, therefore, obligatory upon the court to impose upon the accused both the sentence of imprisonment and the sentence of fine."

[Shri Dabhi]

Now, it is clear from the report of the Select Committee that the intention is that for the second and subsequent offences the punishment should be both with fine and imprisonment. But, as their Lordships of the Bombay High Court have held, the word 'punishable' itself connotes that in spite of the fact that the words 'fine and imprisonment' are used, the court has discretion to impose merely a fine or merely a sentence of imprisonment or both. Under these circumstances, I think the Government would accept my amendment. There is nothing wrong in substituting the word 'punishable' with the word 'punished', because the intention is clear. It is not necessary that it should again go to the Court. This is the interpretation given by a Full Bench of the Bombay High Court.

Mr. Chairman: Amendment moved:

In page 11, line 5, *for* "punishable" *substitute* "punished".

Shri Dhulekar (Jhansi Distt.—South): I beg to oppose this amendment. The words used in the proviso are that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court the punishment should be inflicted. It has been mentioned that if the court thinks that it is proper that discretion should be used and it should be exercised in favour of the accused then the lower punishment can be given. Therefore I would say that the word 'punishable' is the proper word here. My learned friend says that if the word 'punished' is there, it will entail a heavier punishment. In the case he has cited, it is not mentioned that there was a proviso like this.

12 Noon

Shri Dabhi: I have already read the proviso; it was there.

Shri Dhulekar: It is said that the punishment should be deterrent. I beg to differ from him and say that the word 'punishable' is the proper word here.

Rajkumari Amrit Kaur: If you put in the word 'punished' the minimum punishment will have to be inflicted and the discretion that is left to the magistrate would completely go. I may also say that 'punishable' is the legislative language used everywhere. I am told that 'punished' was used in 1860 in the I.P.C. and we do not want to limit the discretion and therefore 'punishable' is the correct word.

Mr. Chairman: The question is:

In page 11, line 5, *for* "punishable" *substitute* "punished".

The motion was negatived.

Shri S. V. Ramaswamy: I beg to move :

In page 11, *for* line 6 to 20, *substitute*—

> "(a) for the first offence, with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees or with both; and
>
> (b) for the second or subsequent offences with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both."

This amendment may be taken in conjunction with amendment No. 145; but I will now confine myself to this.

The reason why I am moving this amendment is this. You will see that in the original Bill, which was submitted to the Select Committee, it started with a punishment of three months and also provided that the case should be instituted in the court of a magistrate of the second class. The Select Committee was seized with a desire to punish the adulterant and it was thirsting for his blood. They thought that not only should the punishment be severe but that instead of instituting the proceedings before a magistrate of the second class they should be instituted before a magistrate of the first class. In actual practice, this will lead to great difficulties.

You will see that while the intention of the original Bill itself was not to take very serious notice but you will also be pleased to see that not in all the existing State Acts there is provision for imprisonment. In some cases there is only a fine of Rs. 100 to Rs. 500. There must be some elasticity. There must be some provision for adjustability.

Shri A. M. Thomas: For adulteration!

Shri S. V. Ramaswamy: Adulteration is not of a single type; there are types and gradations. I am putting a simple case. A milkman pours water into milk and that is adulteration. For that simple act are you going to place him before a magistrate of the first class? It would be preposterous. There are cases and cases and unless you have a gradation of these offences, unless you categorize them and place them each before a certain type of magistrate who will give the suitable punishment for each offence it will be very harsh. You cannot have a dead uniformity for all cases. The whole thing is inelastic and in actual work it will create difficulties. If you want adulteration to be put down, you must make the Act workable. This naturally impinges upon the other clause, namely, clause 20. In clause 20, it is stated that "no court inferior to that of a Presidency magistrate or a magistrate of the first class shall try any offence under this Act". I am now seeking to go back to the original Bill before its emergence from the Select Committee. This Bill, as it has emerged from the Select Committee, is doing violence to the provisions of section 32 of the Criminal Procedure Code. I am, therefore, seeking to go back to the original Bill to provide for elasticity and adjustability to varying types of offences so that every case may not be brought to the magistrate of the first class. I am providing in my amendment that the first offence may be dealt with by a second class magistrate, and if it is a second or subsequent offence, the case may be launched in a higher court, the punishment naturally being higher. This gives a choice to those who are in charge of prosecution to choose their forum. Instead of that, you have made the whole thing rigid here. Every case will necessarily go before the first class magistrate and I told you the difficulties that are involved there. For instance, in Assam, one may have to go a distance of at least 50 miles before he comes across a first class magistrate. I am told it is even 100 miles sometimes, but if it is a magistrate of the second class, he is easily available. I find in the Madras Act, certain offences can be tried even by a magistrate of the third class. The provisions are adjustable there, but unfortunately, we have made them rigid in this Bill. I do hope that my amendment will be accepted if the Act is sought to be worked in actual practice.

Shri S. S. More: Does the hon. Member suggest that even the third class magistrate might impose the higher punishment or does he want to scale down according to section 32 of the Criminal Procedure Code?

Shri S. V. Ramaswamy: If you kindly read my amendment No. 145, you will see the scheme. It says:

> "(2) Prosecutions under this Act shall ordinarily be instituted in the court of a magistrate of the second class for the first offence:
>
> Provided that it shall be competent to State Governments to prescribe the class or classes of offences that may be initiated before a magistrate of the third class specially so empowered.
>
> (3) Prosecutions for the second or subsequent offences shall

[Shri S. V. Ramaswamy]

be instituted in the court of a magistrate of the first class.

(4) No prosecution shall be instituted after six months of the commission of offence."

If you accept amendments 145 and 142, the scheme is entirely different from what is contemplated in the Bill as it has emerged from the Select Committee. In brief, I am adopting the spirit of the original Bill and trying to provide for the gradation of offences and giving a choice to those in charge of the prosecution in the matter of the forum. If it is a lesser offence, it will go to a lesser forum and if it is a bigger offence, it will be placed before a higher court, which can impose a higher punishment. Unless this is accepted, I am afraid—I want this to go on record—this Act will be a dead letter; it will not be worked, it will be placing a premium upon corruption and it will give rise to a very tempting situation. If anybody can be prosecuted for the first offence before the first class magistrate, then it will be placing the officer in a tempting situation. He will say to anyone "I am going to prosecute you and you know the consequences. The warrant procedure will drug on for months", and if such a threat is held out, woe to this Bill because it will not be workable. I have no doubt in my mind that two years hence the hon. Minister for Health will come back to this House and seek an amendment to this Act on the lines I have suggested.

Shri S. S. More: Shall we be there then?

Shri S. V. Ramaswamy: I, therefore, forewarn, if it is to be worked and enforced, that the scheme of things suggested in my amendment must be accepted.

Mr. Chairman: Amendment moved:

In page 11, *for* lines 6 to 20, *substitute*—

"(a) for the first offence, with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees or with both; and

(b) for the second or subsequent offences with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both."

Shri R. K. Chaudhuri (Gauhati): I would not have for a moment looked at this amendment moved by my esteemed friend unless it be for the very drastic provision of fixing a minimum sentence for any offence. I think it is against all canons of law and justice that the discretion of a trying court should be fettered in a matter like this. My hon. friend, the Minister, will always have the satisfaction of finding in this Bill that there is only one note of dissent and that note was with regard to the penalty. I should like to sound a note of warning to the present-day legislators, who are eager to impose heavier and heavier sentences and who labour under an obsession that the heavier the sentence, the lesser will be the crime, that theirs is a mistaken notion. In days of yore, in England for the offence of pick-pocketing, there was the punishment of death—not only death, but also hanging which usually took place in the presence of sight-seers and crowds. The House will be surprised to learn that while death sentences were being executed, pick-pockets were busy in pick-pocketing the crowd, so that it is clear that the deterrence of the sentence will not really help in the prevention of the offence.

If my hon. friend, the Minister, would agree to the deletion of sub-clauses (b) and (c), then I would submit that the Bill would be the best piece of legislation that we have up till now. I do not know of any country—there may be some—which has prescribed a minimum sentence. It is just toying with the whole idea of justice. You might as well say that whenever an offender is brought before a court charged with an offence of this kind, he shall be punished. Why not say so? In a majority of the cases, there is absolutely no doubt that the offenders are really guilty of the offence of adulteration of food. On that score, why not make a provision that anybody who is brought before a court, shall be punished? What will be the effect of such a provision? The effect will be that the sympathy will go towards the accused. When the court finds that its hands are fettered,—in the case of a second offence, the punishment is imprisonment upto two years—and it feels that the imprisonment will not be justified, it will find out a means of acquitting the accused altogether.

I support the amendment which has been moved by hon. friend over here on this ground. The sentence which has been prescribed here is rather excessive, unless you give the discretion to the magistrate to impose such sentences as he considers reasonable under the circumstances. Supposing a hawker has been selling adulterated food-stuffs and he had been prosecuted once previously and left off with a warning. He is caught selling adulterated stuff on the second occasion. He may not know that the food that he has been selling is adulterated. There is no question of *mens rea* in this Bill. The court is bound to sentence him for the second offence with a punishment of imprisonment—there is no other alternative. So, if the hon. Minister would not agree to the deletion of those two clauses in the provisos, then there is no option for a reasonable man but to accept the amendment which has been moved by my hon. friend Mr. Ramaswamy. I would not mind raising the maximum punishment; but there should not be a minimum sentence. If that is allowed to stand, then the amendment suggested by my hon. friend is reasonable. I would therefore, earnestly request the hon. Minister to review the whole situation in the light of what I have stated.

She has rightly received the applause of this House and also outside for this important measure which she has introduced. This is going to be the first practical step throughout India to prevent adulteration of food. Sir, some people eat to live, while some others live to eat. I belong to the second category. For the last thirty years I have been practically using adulterated *ghee*. I want to live to eat pure food now as a result of this prevention legislation.

Excessive penalties do not help the situation at all. In fact capital punishment has not helped prevention of crime in any country, whereas in those countries where capital sentence has been abolished there has been lesser number of murders than in other countries. I, therefore, submit that unless the provisions of this clause are altered, I have no other option but to accept the amendment.

Mr. Chairman: I would respectfully ask hon. Members who take part in the debate, to concentrate on the actual amendment before the House. Shri Rohini Kumar Chaudhuri has been good enough to speak on the general principles: I would ask hon. members to concentrate on the amendment. I would also request them to be brief.

Shri Tek Chand: Sir, I rise to endorse what has fallen from the lips of the preceding speakers. I feel that the provisions laying down a minimum punishment are absolutely monstrous and outrage the feelings of all just-minded people. I want you and the Government to examine the provisions of clause 16, sub-clauses (1) (b), (c) and (d) and to examine the nature of the penalties provided.

A man prevents a Food Inspector from taking a sample as authorised by the Act. Let us assume that the Food Inspector comes at the wrong time of the day, being in a very nasty mood and being very rude. There is exchange of rude words between the offender and the Food Inspector. An offence has been committed. If there is repetition of this, he must get the minimum dose—just for using rude words,—of not

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less than one year imprisonment. It may be represented by the pompous gentleman, the food Inspector: "I wanted to inspect the premises, I wanted to enter: but there were obstacles placed." It may be that obstacles were presented because of the Food Inspector's own provocative conduct. Maybe that the man has committed an offence: maybe the offence is in all likelihood of a technical nature. Let us even assume that it is of a substantial character. But is this citizen of our country, even if he may be an offender, going to be deprived of his liberty for twelve long months? Is he going to live in that human sepulchre, called the Indian jail, for that offence?

Then, kindly see sub-clause (a). It reads:

> "whether by himself or by any other person on his behalf, imports into India or manufactures for sale, etc."

I have no sympathy for him. But take the case of a person who stores goods through another man, perhaps through his servant. For repetition of that offence he will get imprisonment of one year. He may be absolutely innocent, unaware of the contents, or of their nature, or of their deleterious effects. But he will be punished simply because he happens to store them through a servant. He may be a warehouseman, his only job being to keep a godown. Somebody approaches him and says: "I have stock of some goods, I want to store it in your godown for a fortnight, or a week." He may say, "Yes". If it transpires that the goods entrusted to him for storing contain some adulterated stuff, of which he may not be aware, because he had had no occasion to examine it, he is liable to be punished. It suppossing on two occasions it transpires that somebody had dumped articles in his godown which happen to contain adulterated food, the magistrate will turn round and say: "All right, you may not have been there; you may know nothing about it; you may be absolutely ignorant, because all this is the work of your servant; nevertheless, the law of this country, the law of criminal justice, requires that you should have at least one year, or in the case of repetition of the offence, two years, though for no fault of yours."

Then again, please see sub-clause (c):

> "prevents a food inspector from exercising any other power conferred on him by or under this Act."

It is left beautifully vague. What are those other powers? They have not been disclosed. So far as the accused is concerned he must mug up the law; he must know all the specified powers. If by error, or through stupidity or clumsiness he prevents him, not knowing that under this Act he is armed with certain powers, which are perhaps obscure, which are not known, not easily knowable, and the offence is repeated, for twelve months he must remain in jail, and be deprived of his liberty. That is why I preface my submission with the remark that this law is Draconic in its severity. Such a thing is not known. Human conscience will be outraged when people guilty of the only crime of ignorance are going to be punished like this. Those who have expressed the sentiments that I have—two of my learned colleagues who have preceded me have done so,—not because they want that there should be any adulterated food in this country; their object is that, in order that the law should be effective and in order that the law should serve the underlying intention, that law should not impose such unheard of sentences, such cruel sentences on people who may be absolutely innocent, who may have no knowledge at all. You punish the guilty mind every time. But there has been a serious departure from that cardinal canon of criminal justice; it is not the guilty mind which we propose to punish; it is the ignorant mind that we intend to punish and yet propose to punish him most severely.

Mr. Chairman: May I just request the hon. Member to resume his seat? He has been transgressing. The amendment relates to the punishment for the first offence; there is no amendment relating to the question of what should be the ingredients of an offence though clause 16 relates to that. Nobody has given an amendment to that. The only amendment is this: what should be the punishment for the first offence; what should be the punishment for the second offence? I think that we are really transgressing and I would request him to kindly speak on the amendment alone.

Shri Tek Chand: I submit to the guidance I have received from the Chair. I was really concentrating upon the amendment and my reference to clause 17 was only in order to reinforce my arguments in respect of this amendment by giving an illustration....

Mr. Chairman: The offence was one which need not be made an offence. The question of offence—the ingredients of an offence—arises whereas this amendment relates only to punishment.

Shri Tek Chand: All that I was saying was that you proposed to impose a minimum sentence upon certain offenders. In the category of those offenders, are people who have got innocent minds, ignorant minds. By way of illustration, I wanted to pick up a case: in the case of a large manufacturing company some of the employees may not, conceivably, be aware of what constitutes an offence. In their case, to impose a minimum penalty, I wanted to submit, would be, according to all canons of interpretation of rules of penalty and rules of criminal jurisprudence, unjust; it will be harsh; it will defeat the very purpose for which the framers intend the law ought to be.

Shrimati Ila Palchoudhury (Nabadwip): May I submit that I fully endorse the suggestion made by my hon. friend, Mr. Ramaswamy? I cannot go into the ramifications of the law as learned lawyers do but having gone round the villages I realise that any Bill like this, if it is to be properly worked, must be within the scope of the honorary magistrates and panchayats. The punishment of offences must be much less to enable the working of this Bill really effective. The term of punishment and the amount of fine must be reduced. I fully endorse the amendment.

Shri Dabhi: I am of the opinion that the provisions regarding the minimum punishment must remain as they are. I do not quite understand the sympathy for the habitual offenders in this anti-social act which was denounced by almost every hon. Member of this House. It is absolutely necessary that these people must be punished heavily, especially when they commit offences one after another. This must be in the case of the first offence also. For the first offence, less punishment is provided, but we know that in such a case only his act has been brought to our notice because he has been prosecuted. Generally, what happens is, a man is prosecuted after he has committed several offences. Even with regard to the first act, I might submit that there should be some minimum punishment provided. Anyhow for the second and subsequent offences, minimum punishments must be provided. In case such minimum punishment is not provided, it is likely that some magistrates might take it into their head and sometimes, in certain cases even where the magistrate has found the offence proved and convicts the accused, the punishment awarded is nil.

I would give you one interesting example of a case, *viz*. Sitaram Kunbi *versus* Emperor, 29 *Criminal Law Journal*, page 506 where their Lordships said thus: "There is no law that says that a penalty must always follow a conviction. The maximum penalty for each breach of the law is fixed but there is no minimum except in a few cases.... Therefore, "the conviction of Sitaram Patil is maintained and the sentence passed

[Shri Dabhi]

on him is altered to one of nothing." In this case, he was convicted but he was sentenced to nothing. So, some magistrates and judges have also got certain ideas about punishing offenders............

An Hon. Member: What did the High Court do?

Shri Dabhi: This is the decision of the High Court—*vide* A.I.R. 1928. Nagpur, 188. There was no minimum punishment and therefore they sentenced him to nothing. Under the circumstances, I submit that the provision for minimum punishments should be there.

Shri S. S. More: As a member of the Select Committee, I must stand by what has been reported; but if on second thoughts one gets a better say, that say should not be knocked out. My submission is that there must be some distinction between the offences. Take, for instance, "prevention of a Food Inspector from taking a sample as authorised by this Act". To speak in the language of the Penal Code, it becomes a sort of obstruction to a public servant in the discharge of his duties. Let us look to the offence described in section 186 of the Indian Penal Code. Obstruction of a public servant in the discharge of public functions shall be tried by a first class magistrate or a second class magistrate and the punishment that has been provided is imprisonment of either description for three months or a fine of Rs. 500 or both. The Food Inspectors happen to be public servants who are likely to be obstructed in the discharge of their duties on an entirely different plane from the other category of public servants. Take, for instance, a police official who is pursuing a thief and the thief is as bad a person as one who indulges in adulteration. Is there any reason for this sort of distinction? If a man has committed this offence of adulteration, punish him—hang him, I would not care for him. But some innocent persons who happen to be in the employ of the manufacturers, the big companies, distributors etc. simply because they are employees working for their bosses, are likely to be victimised. In their case, possibly, there will be no saving clause and the magistrate possibly may have to give higher punishment. The innocent guy, coming from a lower strata, will be the first victim of such a provision while the rich men who are real offenders will by some contrivance try to protect themselves. I know that I have not tabled any amendment. All the same, I rely more on the good sense and the sense of compromise which the Minister has been exhibiting all along. I would say that she has also the interests of the poor in her heart and I believe that she is out to have this particular statute for doing some public good but let the public good be unadulterated good. If adulterated by such things, she will be guilty of adulteration, though not of food. I appeal to the good sense of the hon. Minister. There is some reason to distinguish between one offence and another offence and prescribe different levels of punishment according to the nature of the guilt or the character of the offence.

पंडित मुनीश्वर दत्त उपाध्याय : सभापति जी, जैसा कि मैं ने परसों निवेदन किया था कि यह जुर्म इतना संगीन हैं और इस जुर्म का इतना महत्व हैं, वही मैं आज भी कहना चाहता हूं कि इसके लिए सजा सख्त होनी चाहिये । विशेष रूप से इस जुर्म को कम करने के लिए मैं समझता हूं कि सख्त सजा के अतिरिक्त यह भी आवश्यक हैं कि बहुत जल्दी और समरी ट्राइल के तरीके से सजा होनी चाहिए । यह जो इस विधेयक में सजा के लिए लिखा गया हैं मैं समझता हूं कि वह मिनिमम सजा नहीं हैं बल्कि मैक्सिमम हैं । कहते हैं कि एक साल की सजा हो सकती हैं और उससे कम की भी सजा हो सकती हैं । तो अगर इसमें विशेष रूप से कोई प्रावीजन

होना चाहिए तो वह यह होना चाहिए कि सजा जल्दी से जल्दी हो जाय चाहे वह.....

Mr. Chairman: No hon. Member has given any amendment to this effect, that there should be summary trial.

Shri S. V. Ramaswamy: Sir, I have.

Mr. Chairman: Probably with respect to a further clause.

पंडित मुनीश्वर दत्त उपाध्याय : एक दूसरे अमेंडमेंट से यह मतलब निकल सकेगा । मैं निवेदन करूंगा कि इस विधेयक में जो सजा दी हुई है वह ज्यादा से ज्यादा की लिमिट दी हुई है कम से कम की लिमिट नहीं दी हुई है । मैं समझता हूं कि ऐसे जुर्म के लिए जो कि समाज के लिए इतना घातक हो सजा ऐसी ही रहनी चाहिए । इससे कम नहीं होनी चाहिए । इससे कम सजा होना मुनासिब नहीं है ।

Mr. Chairman: The punishment is the same for all kinds of offences. All the offences are included in the same category and one punishment is provided.

Rajkumari Amrit Kaur: This question was discussed completely, I do not know for how many hours, in the Select Committee, and it was the opinion of all the Members that we must have such punishment for the commission of such acts, which were a crime against humanity, as would be deterrent. There can be no two questions about it that unless you do put a fairly heavy penalty, the rich vendors in particular will not fear; and there should be fairly heavy punishment, imprisonment for that matter, as fines do not matter to them. A first class magistrate will use his discretion and he is expected to dispense justice properly. Further it is not correct to say that minimum punishment is repugnant to criminal jurisprudence. After all, even in murder, there may be a sentence of death or there may be a sentence of transportation. And what is more, I do not think we should show very much pity for the people who have been engaged by the rich vendors. In the end the rich vendor will also suffer. Even the most illiterate person knows that when he is mixing water with milk and so on, it is an offence. I think it is time there was a sufficiently deterrent punishment.

Again, I would also like to point out this difference, that except where a minimum punishment has been provided, as for example in the second and subsequent offences, the upper limit of punishment is not the minimum. It is only the maximum, and I would put it to the House that we are doing nothing that is not already in other Acts. These clauses have been taken from the Bombay Act. And when I argued at that time—because in the original Bill I had put a lesser punishment—that the States might object, all the Members from Bombay said "it already exists in Bombay; why should it not exist elsewhere?" Therefore I personally do not feel that I should go back.

I would of course like the House to accept my amendment to (a) to the effect that for the first offence the person shall be punishable "with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees *or with both*".

Mr. Chairman: I shall now put the amendment to the vote of the House. The question is:

In page 11, *for* lines 6 to 20, *substitute*—

> "(a) for the first offence, with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees or with both; and
>
> (b) for the second or subsequent offences with imprisonment for a term which may extend to two years or with fine

[Mr. Chairman]

which may extend to one thousand rupees or with both."

The motion was negatived.

Mr. Chairman: The next is the Government amendment which is a formal one, No. 121.

Amendment made:

In page 11,—

(i) line 6, *for* "(a)" *substitute* "(i)";

(ii) line 9, *for* "(b)" *substitute* "(ii)"; and

(iii) line 15, *for* "(c)" *substitute* "(iii)".

—[*Rajkumari Amrit Kaur*]

Mr. Chairman: Is amendment No. 40, by Shri Dabhi, being moved?

Shri Dabhi: Do I understand that the Government is proposing to amend it as "with imprisonment or with fine or with both"?

Rajkumari Amrit Kaur: Yes.

Shri Dabhi: Then I do not want to move it.

Further amendment made:

In page 11, line 8, *after* "rupees" *add* "or with both".

—[*Rajkumari Amrit Kaur*]

Dr. Rama Rao: I beg to move:

(i) In page 11, *omit* lines 11 to 14.

(ii) In page 11, *omit* lines 17 to 20.

Fortunately I have received support for my amendment in advance. Distinguished advocates like Shri R. K. Chaudhuri and Shri Tek Chand (*An Hon. Member*: Bad company!) have expressed their strong support to this. Clause (b) provides punishment for the second offence, with imprisonment for a term which may extend to two years and with fine, provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such imprisonment shall not be less than one year and such fine shall not be less than two thousand rupees.

The same arguments apply to the next amendment, which relates to third and subsequent offences.

As Shri Tek Chand put it, it is monstrous to compel a magistrate to give a minimum punishment. We must believe in the good sense of the magistrate and fix the maximum and leave the actual sentence to the magistrate according to the local conditions, the nature of the offence etc., instead of asking him "give a punishment of imprisonment for one or two years or a fine of two thousand or three thousand rupees for every milk-seller". Not that I want to be lenient to any one who adulterates. But it is an insult to the magistracy to compel them to give minimum punishment. The magistrate will use his good sense and sense of justice and give the necessary punishment. That this has been found in the Bombay Act is no excuse to commit the same mistake here.

Mr. Chairman: May I know whether the hon. Minister sticks to the opinion she has already expressed or wants to give a reply? I think this has been sufficiently discussed.

Rajkumari Amrit Kaur: I feel that this will not fit into the general picture of the provisions already accepted. The Select Committee thought over both these provisos and insisted on their insertion. Therefore I am not at liberty to accept the amendments.

Mr. Chairman: The question is:

In page 11, *omit* lines 11 to 14.

The motion was negatived.

Mr. Chairman: The question is

In page 11, *omit* lines 17 to 20.

The motion was negatived.

Mr. Chairman: The question is:

"That clause 16 as amended stand part of the Bill."

The motion was adopted.

Clause 16, as amended, was added to the Bill.

Clause 17.— (*Offences by Companies*).

Shri M. L. Agrawal: I object to the words in clause 17, *viz.*, "as well as the Company" contained in sub-clause 1. This Bill does not provide for any special procedure for the trial of offences for which penalty has been provided under clause 16. Therefore trial of all contraventions must needs be governed as provided for offences against other laws at the end of schedule II of the Criminal Procedure Code. But in the Criminal Procedure there is no provision for placing in the dock a company as defined in the Bill. Obviously making a company accused will militate against a number of provisions of the Criminal Procedure Code, for example those relating to custody of accused, appearance of accused before Courts, framing of charges and reading and explaining the same to the accused. Moreover the retention of these words is redundant for the persons mentioned in sub-clauses (1) and (2) include almost all the persons whom it may be necessary or desirable to prosecute. I fail to appreciate who else is contemplated to be proceeded against by the addition of these words. The only argument that can be urged in favour of the retention of the words is that there are some previous enactments where this phraseology has been adopted. I can give examples of other Acts where this phraseology has not been adopted. Therefore. I would submit all these words should be taken out of clause 17 and it is quite sufficient to prosecute any person found guilty of an offence.

Rajkumari Amrit Kaur: The intention of the Bill is obviously to make the persons jointly and severally responsible and hence this suggestion cannot be agreed to. After all, we do not want the person who is responsible for adulteration to go scot-free and it is a well established law of British criminal jurisprudence also. I do not think you can allow large companies to get away.

Mr. Chairman: The question is:

"That clause 17 stand part of the Bill"

The motion was adopted.

Clause 17 was added to the Bill.

New Clause 17A—(*Offences by a Government Department*).

Shri N. B. Chowdhury (Ghatal): I beg to move:

In page 11, *after* line 49 *insert*—

"17A—*Offences by a Government Department*—Where an offence under this Act has been committed by any Department of the State or Union Government, every person who at the time the offence was committed was in charge of, and was responsible to the Government concerned for the conduct of the business shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly".

I want that a new clause be added after 17. I want to make a provision in the Bill about the responsibility of the Government of India or the State Governments for the supply of unadulterated food, milk, etc. where any Department is engaged in such undertakings. We have already heard complaints about the supply of adulterated milk by the Indian Agricultural Research Institute and by others and there have been complaints also about the supply of rotten rice by the ration shops and

[Shri N. B. Chowdhury]

so there must be provision for punishment for supply of such stuff. Although provision has been made for punishment of companies' directors, etc., I do not find anything in this Bill to punish people, who are acting on behalf of the Government and who are responsible for supply of adulterated food. Already complaints have been made of catering rotten food by Railways. So, unless we remove the glaring lacuna there cannot be any certainty that the Government themselves would not take the responsibility of preventing adulteration in their own departments. So, Sir, I want the hon. Minister to give careful thought to this amendment and accept it and unless Government accept it, they cannot give proof of their *bona fides*.

Rajkumari Amrit Kaur: Government commit no offence of any sort but individuals, who commit such offences, whatever may be the position they occupy in Government, are, of course, and will be punishable and, therefore, this amendment is unnecessary.

Shri N. B. Chowdhury: I want to have one clarification. Am I to understand that the persons who are responsible for adulteration of food in Government concerns would be punishable under clause 16 or is it under any other provision of the Bill?

Rajkumari Amrit Kaur: The law is there. We must leave it to the court.

Mr. Chairman: The question is:

In page 11, *after* line 49, *insert*—

> "17A. *Offences by a Government Department.*—Where an offence under this Act has been committed by any Department of the State or Union Government, every person who at the time the offence was committed was in charge of, and was responsible to the Government concerned for the conduct of the business shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly."

The motion was negatived.

Clause 18.—(*Forfeiture of property*).

Shri S. V. Ramaswamy: My amendment is No. 143. I only seek to improve the wording of clause 18. Clause 18 reads like this:........

Shri K. K. Basu (Diamond Harbour): Is it a Government amendment?

Shri S. V. Ramaswamy: It is my amendment. Government may accept it. Clause 18 says:

> "Where any person has been convicted under this Act for the contravention of any of the provisions of this Act or any rule thereunder, the article of food in respect of which the contravention has been committed may be forfeited to the Government."

This is very unsatisfactory. My amendment reads like this:

> "it shall be open to the magistrate to order confiscation to Government, in addition to the punishment imposed under section 16, of the article of food in respect of which the contravention has been committed or the stock of such food."

Suppose you seize only one pound of the food which is adulterated. He has got a stock of some bags. That is also adulterated food. When an offence is proved, are you going to confiscate only one pound seized by the Food Inspector? You must have the power to confiscate the entire stock. This is another measure by which we can enforce the purpose of this Bill so that.....

Mr. Chairman: I do not want to interrupt. May I call the attention of the hon. Member to clause 11 where there is a provision like this, that if a certain kind of food is found to be unwholesome, it could be taken possession of and disposed away.

Shri S. V. Ramaswamy: That is for unwholesome food.

Mr. Chairman: So far as stocks are concerned, they are articles in respect of which an offence can be deemed to have been committed under section 11.

Shri S. V. Ramaswamy: There is no provision for confiscation as such, in that clause.

Mr. Chairman: The word "confiscation" is not used. But, the article can be disposed of in such a manner that it could never be used for human consumption. I did not want to interrupt the hon. Member. He can carry on his argument. I only wanted to draw his attention to this provision so far as stocks are concerned.

Shri S. V. Ramaswamy: Then, I withdraw.

Mr. Chairman: I did not at all want to interrupt the hon. Member. I only wanted him to consider this aspect of the case in relation to his amendment.

Shri S. V. Ramaswamy: I leave it.

Mr. Chairman: Is the amendment moved or not?

Shri S. V. Ramaswamy: Not moved.

Shri Dabhi: I beg to move:

In page 12, line 4, *for* "may" *substitute* "shall".

Under clause 18, when any person commits any offence with regard to any article of food, that article of food may be forfeited to the Government. I do not understand why a discretion is left there. When an offence is committed with regard to any particular article of food, it means that that article of food is adulterated. If it is adulterated, why should it be allowed to remain with the offender? It must be forfeited to the Government. Therefore, instead of "may" I suggest that it should be "shall".

1 P.M.

Shri Tek Chand: It appears that clause 18 has not received the careful scrutiny that it deserves and some of hidden dangers that are in this clause have not received the scrutiny of the Government. There are two aspects of clause 18. One of them is, where any person has been convicted under this Act for the contravention of any of the provisions of this Act, the article of food in respect of which contravention has been committed may be forfeited. I wish to clarify my point by an illustration. So far as contravention is concerned, it is of any one of the provisions of the Act. I take an illustration at random that the contravention is that the food inspector has been prevented from entering the premises. Suppose I have a large stock and for some reason, the Food Inspector wants to come; suppose I say, my child is ill, or it is too late, or I have got a pressing engagement and I cannot let you enter now, come two hours later, and it transpires that the stock of mine contains pure food. I want the hon. Minister to examine and then apply the provisions of clause 18. There is good clean food in my stock. My offence is that because the man was rude or he came at a time when my child was ill or I had some pressing engagement. I said, I won't let you enter now, come two hours later or come tomorrow. The stock is good and may be worth a lakh of rupees. According to clause 18 and according to my colleague over there, the entire stock must be forfeited, even if it is good clean food. You will kindly examine it. Similarly, there may be so many other offences under this Act, unconnected with the purity of the food, offences purely of an administrative character which do not disclose that the article of food has been adulterated. The food is good and clean. The offence is only of an administrative character. The result will be, the entire thing is going to be forfeited. My learned friend objects to 'may' and says, it shall be forfeited. Therefore, I suggest that clause 18 is extremely drastic. One can understand that the stock that is possessed by the offender, if it is unfit for human consumption,

[**Shri Tek Chand**]

should be, not only forfeited, but destroyed. Why do you want to forfeit it? To utilise it and sell it to somebody else?

Mr. Chairman: It can be used for industrial purposes.

Shri Tek Chand: My submission is that if the stock is unfit for use, destroy it; don't forfeit it. Forfeiture should be permitted only where the article is found adulterated and is unfit for human consumption. You may destroy it or do whatever you like. So long as the stock is good and then, simply because some technical offence is committed, say, the entry of the Food Inspector has been barred—he says, it has been barred because I have not been able to grease his palm—the result of this provision will be, I will be at his mercy and my goods worth lakhs of rupees may be forfeited or confiscated. Kindly examine this aspect. Do not be in a hurry to impose a burden that, later on, may be found to be eminently unjust.

Shri S. S. More: I have got some doubts which I want to be clarified by the hon. Minister. This particular clause says that the article of food in respect of which contravention has been committed may be forfeited. Now, what do they mean by "article of food"? Do they mean the entire stock of food?

Mr. Chairman: There are two contraventions here. One is of the provisions of the law, and for the other the words are "food in respect of which the contravention has been committed".

Shri S. S. More: I have not followed you.

Mr. Chairman: If the hon. Member will kindly examine clause 18, there are two places in which the word "contravention" is used. First of all, it is used in respect of contravention of any provisions of this Act, as pointed out by Shri Tek Chand; and secondly, it says: "the article of food in respect of which the contravention has been committed".

Shri S. S. More: I am concentrating your attention on the words "article of food". Let us take wheat. The *baniya* who is selling the grain has about 20 maunds of wheat. Now, a sample was taken from one bag of wheat. They cannot take samples from all. That sample was found to be coming under the penal provisions. Now, would the "article of food" mean all the wheat in the shop of that man, either in his constructive possession or actual possession? They should specify it clearly. Can the man lay his hands on the whole lot of wheat? That will have to be clarified. There is no specific mention that it means either the sample, or a particular quantity or store or anything else. And it will be very difficult for those who will try to operate it if we only say that the article of food has to be forfeited. I think I have made myself clear.

Mr. Chairman: Quite clear.

Rajkumari Amrit Kaur: I think "article of food" is wide enough to include stock of food. What is more...

Mr. Chairman: He wants to know whether the idea is that the entire stock of one lakh of maunds, out of which from one bag a sample has been taken, should be regarded as one in which forfeiture can take place, or only that particular bag. This is his question.

Rajkumari Amrit Kaur: First of all, "article of food" is wide enough to include the stock of food which is adulterated. Now, you leave it to the discretion of the magistrate whether, if one sack is adulterated, he is going to say the entire stock is adulterated. Surely, the magistrate will be fair-minded enough not to do that. Secondly, I think, the word "may" has been used for the purpose of allowing the magistrate himself to judge whether the food should or should not be forfeited. And lastly, the contravention has to be in respect of the article of food which has to be forfeited and not in respect of any other contravention.

Shri Dabhi: I do not press my amendment.

Mr. Chairman: The question is:

> "That clause 18 stand part of the Bill".

The motion was adopted.

Clause 18 was added to the Bill.

Clause 19.—(*Defences which may or may not be allowed in prosecutions under this Act*).

Shri N. S. Jain: I beg to move:

(i) In page 12, *after* line 30, *insert*—

> "Provided further that all manufacturers of food contained in tins or packages shall put their seal on such tins and packages, and that such seal shall be presumed to be the warranty referred to in sub-clause (2)."

(ii) In page 12, *for* lines 31 to 33 *substitute*—

> "(3) Any person by whom a warranty as is referred to in sub-section (2), is alleged to have been given shall, on the application of the vendor, be summoned by the court as an accused in the case, and if the court upholds the plea of warranty set up by the vendor the person giving the warranty shall be convicted of the offence charged and the vendor shall be acquitted."

श्री एन० एस० जैन : मेरी जो तरमीमें हैं उनके दो भाग हैं । मेरा इन तरमीमों से जो मतलब है वह यह है कि जो खाने का सामान टिन में बन्द होकर, मुहर लगाकर या किसी पैकेज में बन्द हो कर आता है, मसलन डालडा है, बाहर से जो मक्खन आता है, या और इस किस्म की चीजें हैं, जब दुकानदार उनको बेचता है और उसके बाद उसमें से एडल्टरेशन निकलता है और उसके मुताल्लिक मुकद्दमा चलाया जाता है तो सवाल यह पैदा होता है कि जिस आदमी ने उनको बेचा है उसका क्या कुसूर है । इसके मुताल्लिक दो बातें हैं । शायद यह कहा जायगा कि इसमें दफा १६ में हमने रख दिया है कि बेचने वाला यह साबित कर दे, जो कि दफा १६ के सब क्लाज २ का तीसरा हिस्सा है :

> "that he sold it in the same state as he purchased it"

कि उसने उसको जैसा खरीदा था वैसा ही बेच दिया है तो उस पर कोई जुर्म साबित नहीं हो सकेगा । यह बात तो आपने कर दी कि जुर्म साबित नहीं हो सकेगा, लेकिन जिसने एडल्टरेशन किया है उसका क्या होगा । उन्होंने यह भी लिख दिया है कि अगर किसी के पास वारंटी होगी तो भी जुर्म साबित नहीं समझा जायगा । क्लाज १६ के सब क्लाज २ में दिया हुआ है :

> "Any person by whom a warranty as is referred to in sub-section (2), is alleged to have been given shall be entitled to appear at the hearing and give evidence."

यानी जिस आदमी ने वारंटी दी है कि यह चीज इस किस्म की है उसको शहादत में पेश किया जा सकेगा । मैं यह अर्ज करूंगा कि यह जो प्रावीजन है कि उसको शहादत में पेश किया जा सकता है यह काफी नहीं है बल्कि यह थोड़ा सा गलत हो जाता है । हमारा मतलब तो यह है कि जिस आदमी ने वारंटी दी है उसको भी तो मुलजिम होकर सामने आना चाहिए गवाही में नहीं आना चाहिए । फर्ज कीजिये कि डालडा के टिन पर मुकदमा चलता है और उसमें यह साबित हो जाता है कि वह टिन वैसा का वैसा ही उस शख्स ने बेच दिया जैसा कि कम्पनी से आया था तो वह शख्स या

[श्री एन० एस० जैन]

साबित करके बच जाता है । लेकिन जिसने उसको एडल्टरेट किया है वह भी तो बच जाता है । हमको तो देखना यह है कि हम उस शख्स को कैसे पकड़ें । मैं निहायत अदब से अर्ज करूंगा कि जितने कानून होते हैं वह छोटे आदमियों को पकड़ने के लिए होते हैं और यह जो कानून का जाल बनाया जाता है उसके धागे इतने कमजोर होते हैं कि जहां कोई मोटी मछली उसमें पकड़ जाती है तो वह धागे टूट जाते हैं । अगर आप उन धागों को मजबूत बनाना चाहते हैं तो इसमें आपको थोड़ी तरमीम करनी होगी । मैं ने ऐसे मामलों में मोटी मछलियों को फंसते नहीं देखा और अगर वह फंस भी जाती हैं तो छूट जाती हैं । आपने कहा है कि जो वारंटी देगा उसको गवाही देने के लिए बुला लिया जायगा । उसको आप बहैसियत मुलजिम के बुलाइये । और मैं इसके मुताल्लिक आपको एक पैरेलल देता हूं । एक कानून हमारी उत्तरप्रदेश की सरकार ने बनाया है जो कि गन्ने के सम्बन्ध में है । उसमें यह है कि अगर किसी शख्स के खिलाफ यह जुर्म है कि उसने उस कानून के खिलाफ कोई बात की है तो उस शख्स को अख्तियार है कि वह अदालत को यह बतलाये कि उस ने फलां शख्स के कहने के मुताबिक ऐसा किया है या असल में अपराध उस शख्स का है तो उस शख्स को जिसको कि मुलजिम ने बतलाया है अदालत बहैसियत मुलजिम के तलब कर सकती है और उस वक्त उस मुकदमे में वे दोनों मुलजिम हो जाते हैं । और अगर अदालत इस नतीजे पर पहुंचती है कि वाकई पहले मुलजिम ने कसूर नहीं किया है बल्कि उस शख्स ने किया है जिसको कि उसने बतलाया है तो अदालत पहले मुलजिम को छोड़ देती है और दूसरे को सजा दे देती है । मैं अर्ज करूंगा कि इस मामले को जल्दी में 'ना' करना बहुत आसान हो जायगा, चूंकि सेलेक्ट कमेटी में यह नहीं आया या इसको पहले नहीं सोचा गया । अब चूंकि सवा एक बज गया है, इसलिये मैं मंत्रिणी महोदया से निहायत अदब से अर्ज करूंगा कि इस मामले में वह गौर फरमायें और कल तक अपने लीगल ऐडवाइजर्स से मशविरा करें कि क्या यह मुमकिन नहीं होगा कि हम इस कानून की ताकत को इतना मजबूत बना दें कि जो लोग वाकई में इस मिलावट से ज्यादा नुकसान करते हैं उनको हम लोग पकड़ सकें और उनके ऊपर हम इस कानून को आयद कर सकें । इसके लिये मैं यही अर्ज करना चाहता हूं कि यह दोनों क्लाजेज, एक क्लाज में यह कहा गया है कि यह हर एक मैन्युफैक्चरर और प्रोड्यूसर के लिये लाजिम कर दिया जाय कि जो चीज टीन में बंद करें और भेजें उस पर मुहर लगायें और जैसा कि सब क्लाज २ के पार्ट ए में लिखा हुआ है कि उसके लिये रिटिन वारंन्टी होनी चाहिये, मुहर ही रिटिन वारंन्टी समझी जानी चाहिये क्योंकि लिख कर कोई वारंन्टी देता नहीं है । यह जितने भी मिल मालिक हैं जितने भी माल को बनाने वाले हैं वह अपने एजेंट्स मुकर्रर करते हैं और नतीजा यह होता है कि वह सारी उन्हीं एजेंटों के सिर पर बुराई थोंपने के लिये आती है, तो इसके लिये मैं समझता हूं कि कोई ऐसा तरीका होना चाहिये कि अगर यह साबित कर दिया जाय कि वह जो टीन या पैकेज आया था उसको खोला नहीं गया है, पैकेज को टैम्पर नहीं किया गया है और जैसा का तैसा उसको बेच दिया गया है, तो उस वक्त अदालत के लिये यह बात लाजिमी होनी चाहिये कि वह दूसरे फरीक को बुला कर उसका जवाब तलब करे और अगर उसमें एडल्ट्रेशन हो तो उसको सजा दे न कि उस गरीब आदमी को जो महज थोड़ा सा पैसा लेकर उस पैकेज को बेच रहा है, यह मेरी दरख्वास्त है और मैं समझता हूं कि मंत्रिणी महोदया मेरी इस दरख्वास्त को मंजूर करेंगी ।

Rajkumari Amrit Kaur: The question of seals was actually discussed in

the Select Committee, and some people did suggest it there. But we came to the conclusion that there are several small manufacturers who will not have seals, and who will not be able to have them. Therefore, this amendment in regard to seals is, in a way, outside the scope of the Bill, but it is unworkable in practice, and the seal cannot be presumed to be a written warranty. In regard to the warrantors, it will be quite improper to make a warrantor an accused along with the person who has been accused of the offence under the Act.

Shri Tek Chand: He is an accomplice.

Rajkumari Amrit Kaur: If the offence is proved, and the warranty is proved to be false, then action can be taken against him under the general criminal law. I do not think that I would like to have these amendments embodied in the law.

Mr. Chairman: Does the hon. Member want his amendments to be put to the vote of the House?

Shri N. S. Jain: Yes. Let them be put. I know their fate.

Mr. Chairman: The question is

In page 12, *after* line 30, *insert*—

> "Provided further that all manufacturers of food contained in tins or packages shall put their seal on such tins and packages, and that such seal shall be presumed to be the warranty referred to in sub-clause (2)".

The motion was negatived.

Mr. Chairman: The question is:

In page 12, *for* lines 31 to 33, *substitute*—

> "(3) Any person by whom a warranty as is referred to in sub-section (2), is alleged to have been given shall, on the application of the vendor, be summoned by the court as an accused in the case, and if the court upholds the plea of warranty set up by the vendor the person giving the warranty shall be convicted of the offence charged and the vendor shall be acquitted".

The motion was negatived.

Mr. Chairman: There are no further amendments to clause 19. So, I shall put clause 19 to the vote of the House.

Shri Tek Chand: There are certain other features of the clause. Though there is no amendment, I suppose you will permit that those features at least may be discussed. My submission is that there are certain features of clause 19, which deserve to be omitted.

I want to know whether in the absence of amendments you will be pleased to permit discussion or not.

Mr. Chairman: I would not put the clause to the vote of the House now. All discussions are perfectly relevant and they can be made. If the hon. Member wants, I will certainly permit discussion of clause 19. After all, when the question is put, every Member is entitled to say why he does not want to vote in favour of the clause; so even the fact that there is no amendment to a particular effect does not disentitle any Member from offering such observations as he likes. After all, the vote is to be influenced by the discussion. So if the hon. Member wants to discuss it, I will request him to do it tomorrow.

Shri Tek Chand: Very good, Sir.

Mr. Chairman: The House now stands adjourned till 8.15 A.M. tomorrow.

The Lok Sabha then adjourned till a Quarter Past Eight of the Clock on Thursday, the 26th August, 1954.